

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Linda Engelmeier
Department of Commerce
14th and Constitution Avenue NW
Room 5327
Washington, DC 20230

07/17/2000

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for approval of a revision of an information collection received on 05/05/2000.

TITLE: Scientific Research, Public Display, and
Enhancement Permits Under the Marine Mammal
Protection Act, the Fur Seal Act, and the
Endangered species Act

AGENCY FORM NUMBER(S): None

ACTION : APPROVED

OMB NO.: 0648-0084

EXPIRATION DATE: 07/31/2003

BURDEN	RESPONSES	BURDEN HOURS	BURDEN COSTS
Previous	749	7,260	0
New	591	6,165	1
Difference	-158	-1,095	1
Program Change		-1,095	1
Adjustment		0	0

TERMS OF CLEARANCE:

The agency must more fully respond to public comments received during the initial public comment period. In particular, the agency should review public comments that the burden for permit applications is understated and respond to OMB with, if appropriate, an 83-C to revise the burden for this collection.

NOTE: The agency is required to display the OMB control number and inform respondents of its legal significance (see 5 CFR 1320.5(b)).

OMB Authorizing Official Title

Donald R. Arbuckle Deputy Administrator, Office of
Information and Regulatory Affairs

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

1. Agency/Subagency originating request	2. OMB control number b. <input type="checkbox"/> None a. _____ - _____
3. Type of information collection (<i>check one</i>) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number For b-f, note Item A2 of Supporting Statement instructions	4. Type of review requested (<i>check one</i>) a. <input type="checkbox"/> Regular submission b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____ c. <input type="checkbox"/> Delegated
	5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No
	6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____
7. Title	
8. Agency form number(s) (<i>if applicable</i>)	
9. Keywords	
10. Abstract	
11. Affected public (<i>Mark primary with "P" and all others that apply with "x"</i>) a. <input type="checkbox"/> Individuals or households d. <input type="checkbox"/> Farms b. <input type="checkbox"/> Business or other for-profit e. <input type="checkbox"/> Federal Government c. <input type="checkbox"/> Not-for-profit institutions f. <input type="checkbox"/> State, Local or Tribal Government	12. Obligation to respond (<i>check one</i>) a. <input type="checkbox"/> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> Mandatory
13. Annual recordkeeping and reporting burden a. Number of respondents _____ b. Total annual responses _____ 1. Percentage of these responses collected electronically _____ % c. Total annual hours requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____	14. Annual reporting and recordkeeping cost burden (<i>in thousands of dollars</i>) a. Total annualized capital/startup costs _____ b. Total annual costs (O&M) _____ c. Total annualized cost requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____
15. Purpose of information collection (<i>Mark primary with "P" and all others that apply with "X"</i>) a. <input type="checkbox"/> Application for benefits e. <input type="checkbox"/> Program planning or management b. <input type="checkbox"/> Program evaluation f. <input type="checkbox"/> Research c. <input type="checkbox"/> General purpose statistics g. <input type="checkbox"/> Regulatory or compliance d. <input type="checkbox"/> Audit	16. Frequency of recordkeeping or reporting (<i>check all that apply</i>) a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input type="checkbox"/> Reporting 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____
17. Statistical methods Does this information collection employ statistical methods <input type="checkbox"/> Yes <input type="checkbox"/> No	18. Agency Contact (person who can best answer questions regarding the content of this submission) Name: _____ Phone: _____

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
 - (i) Why the information is being collected;
 - (ii) Use of information;
 - (iii) Burden estimate;
 - (iv) Nature of response (voluntary, required for a benefit, mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator or head of MB staff for L.O.s, or of the Director of a Program or Staff Office)	
Signature	Date
Signature of NOAA Clearance Officer	
Signature	Date

SUPPORTING STATEMENT
APPLICATIONS AND REPORTS
FOR
SCIENTIFIC RESEARCH, PUBLIC DISPLAY, AND ENHANCEMENT PERMITS
UNDER THE MARINE MAMMAL PROTECTION ACT, THE FUR SEAL ACT
AND ENDANGERED SPECIES ACT

A. Justification

1. Explain the circumstances that make the collection of information necessary.

The Marine Mammal Protection Act (16 U.S.C. 1361 et seq.; MMPA), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.; ESA), and the Fur Seal Act of 1966 (16 U.S.C. 1151 et seq.; FSA) (hereafter referenced collectively as "the Acts"), mandate the protection and conservation of marine mammals and other protected species/parts/products, and prohibit the taking, importation, and export of protected species except under certain circumstances. Exemptions for scientific research, enhancement, photography for educational or commercial purposes, public display, and certain other limited purposes are allowed provided permits are applied for and received or other necessary authorization obtained. Appropriate sections of the Acts are attached. [Attachment 1]

The Marine Mammal Protection Act (MMPA)

Section 101(a)(1) of the MMPA states: "...consistent with the provisions of section 104, permits may be issued by the Secretary for taking and importation for purposes of scientific research, public display or enhancing the survival or recovery of a species or stock...". Section 104(b) requires that "Any permit issued under this section shall (1) be consistent with any applicable regulation established by the Secretary...and (2) specify (A) the number and kind of animals which are authorized to be taken or imported, (B) the location and manner (which manner must be determined by the Secretary to be humane) in which they may be taken, or from which they may be imported, (C) the period during which the permit is valid, and (D) any other terms or conditions which the Secretary deems appropriate."

Section 104(c) states: "Any permit...shall specify, in addition to the conditions required by subsection (b) of this section, the methods of capture, supervision, care, and transportation which must be observed..." And finally: "Any person authorized to take or import a marine mammal for purposes of scientific research, public display, or enhancing the survival or recovery of a species or stock shall furnish to the Secretary a report on all activities carried out by him pursuant to that authority."

The Marine Mammal Protection Act Amendments of 1994 require the Secretary to issue a General Authorization (GA) for bona fide scientific research involving Level B harassment of marine mammals in the wild. In lieu of a scientific research permit, the GA provides a simplified

process for authorizing research activities involving low levels of harassment. Under Section 104(c)(3)(C) of the MMPA, persons are authorized to take marine mammals in the wild by Level B harassment, as defined in 50 CFR 216.3, for purposes of bona fide scientific research. Interested persons must submit a letter of intent in accordance with the interim final rule published on October 3, 1994 and submit certain information outlined at 50 CFR 216.45(b). [Attachment 2].

Section 104(c)(8) of the MMPA, as amended, eliminates the need for a permit or additional authorization to possess, sell, purchase, transport, or export captive marine mammals, or their progeny, for public display purposes, provided the recipient meets applicable issuance criteria. However, a 15-day advance notification is required prior to the transport, transfer, sale, or other disposition of captive marine mammals. (See Transport Notification in Item 2.)

Further, Section 104(c)(10) of the MMPA, as amended, directs the Secretary to establish and maintain an inventory of captive marine mammals consisting only of the information specified in Section 104(c)(10)(A-H). (See Marine Mammal Data Sheet in Item 2.)

In addition to the Section 104 provisions, Section 302(b) states that the Secretary shall "...collect and update, periodically, existing information on..." marine mammal rehabilitation procedures and practices, including release criteria; the species, numbers, conditions, and causes of illness and deaths of stranded marine mammals; and other life history and reference level data. This section, later redesignated Section 402, also states that the Secretary shall make this information available to stranding network participants and other qualified scientists.

The Endangered Species Act (ESA)

Section 9 of the ESA prohibits, except under permit, the importation, taking, possessing or selling any endangered species of fish or wildlife. Section 10(a) permits the Secretary to allow, under such terms and conditions as he may prescribe, taking for scientific purposes or to enhance the propagation or survival of the affected species...". A final rule published in the Federal Register in May 1996 revised 50 CFR 222.23(b) dealing with permit application procedures so that marine mammal permits will be issued in accordance with the provisions of part 216 subpart D. [Attachment 3]

The Fur Seal Act of 1966 (FSA)

Section 104 of the FSA, as amended in 1983, provides for the Secretary to conduct research on fur seal resources of the North Pacific and to permit, subject to such terms and conditions as he deems desirable, the taking, transportation, importation, exportation, or possession of fur seals or their parts for educational, scientific, or exhibition purposes. Since northern fur seals are also marine mammals, to avoid duplication, applications for permits for scientific research are also processed under the MMPA regulations of part 216 subpart D (59 FR 50372, October 3, 1994).

Revised regulations under these Acts were proposed (58 FR 53320, October 14, 1993) in order to consolidate all permitting requirements under the Acts, and to provide clear procedures for the disposition of rehabilitated stranded marine mammals. Those proposed regulations included provisions implementing both the MMPA amendments of 1988 (P.L. 100-711), establishing additional issuance criteria for scientific research, public display, and enhancement permits; and certain release and disposition determination criteria and reporting provisions of the MMPA amendments of 1992 (P.L. 102-587). The National Marine Fisheries Service (NMFS) received approximately 200 written public comments and held three public hearings on the proposed regulations but before they could be finalized, Congress enacted P.L. 103-238, the Marine Mammal Protection Act Amendments of 1994 (1994 Amendments). [Attachment 4]

Several statutory changes made to the MMPA in 1994 that impact this collection include: providing a General Authorization (GA) for bona fide research involving only Level B harassment; providing for the issuance of permits for educational and commercial photography; eliminating the need for a public display permit for the transport, export, sale or other transfer of captive marine mammals (provided the recipient meets the 3 public display criteria); eliminating the requirement that education or conservation programs at public display facilities be acceptable to the Secretary; and eliminating NMFS authority over captive care and maintenance issues as they relate to marine mammals maintained for public display purposes, thereby eliminating the basis for many of the revisions that had been included in the October 1993 proposed rule.

This information collection reflects the interim final regulations that implement the GA for Level B harassment as well as final regulations that list requirements basic to all special exception permits and additional requirements applicable to each special exception purpose in separately identified sections (50 CFR 216.31-216.45). Final provisions implementing specific requirements for public display permits, previously codified at 50 CFR 216.39, have not yet been finalized but continue to be processed in accordance with 50 CFR 216.33. Applications for these permits will be processed according to previously established procedures. Applications for Photography (PH) permits will be processed according to Scientific Research provisions until regulations are proposed for 50 CFR 216.42.

Provisions regarding the release and disposition of rehabilitated marine mammals including those imported under Section 109(h)(2) of the MMPA are found at 50 CFR 216.27.

Without an application, NMFS would be unaware of the applicant's need for a permit; without the information, NMFS, the Marine Mammal Commission, and public interests would be unable to determine whether the taking, import, export, or release/disposition was necessary, humane and in the best interest of both protected species and for the public at large. As the Federal Courts have determined several times that under the MMPA and ESA the welfare of the protected species takes precedence over any economic considerations, NMFS's ability to issue permits without receiving adequate information from applicants is questionable.

2. Indicate how, by whom, and for what purpose the information is to be used and the consequences to the Federal program or policy activities if the collection of information was not collected.

This information collection includes: (1) Applications; (2) Marine Mammal Data Sheet; (3) Transport Notification; (4) Person/Holder/Facility Sheet; (5) Letters of Intent under the General Authorization; and (6) reports including the Marine Mammal Inventory Reports and Marine Mammal Transport Notifications.

APPLICATIONS. 50 CFR 216.33 and 216.23(b)

The Director, Office of Protected Resources, NMFS, will use the information to determine the sufficiency of the application to determine that the taking, importation, or export meets the goals and objectives of the Acts and as a basis for a decision on issuance or denial of the permit. If certain information required by the Acts is not provided, neither NMFS nor the Marine Mammal Commission can complete a review of the application and the application processing is suspended. (The Marine Mammal Commission is required by the MMPA to review all permit applications.) If a permit cannot be issued, any taking, import, or export would be a violation of the Acts and subject to prosecution thereunder.

The regulations implementing the authority to issue permits for scientific research, enhancement and public display under the three statutes were previously found in three sets of regulations (50 CFR 215.11, 50 CFR 216.30 -.44, and 50 CFR 222.23). The interim final rule published in October 3, 1994 and the final rule published in May 1996, have now provided for the consolidation of three sets of permit processing provisions into a single Subpart D-Special Exception Permits (50 CFR 216.31 - .45). Subpart D also includes regulations that implement the GA for Level B harassment, and reserved sections for public display revisions and photography.

NMFS also amended 50 CFR 216.26 to allow for purposes of bona fide scientific research and enhancement, without issuance of a permit, the collection or import of soft marine mammal parts that are sloughed, excreted or otherwise discharged naturally by marine mammals in the wild (§216.26(b)). Provisions also include the registration of such parts and new provisions regarding the export of these parts.

The Application Instructions for Scientific Research (SR) and Enhancement (EN), and Public Display (PD) permits, previously available as one package, have been revised and are now issued separately [Attachments 5-6]. The discussion of the information collection requirements for applications will follow the sequence found in the Application Instructions for Scientific Research and Enhancement Permits since these are the most comprehensive, and will reference the appropriate section of the regulations or law. Then will follow discussions of Public Display Permit Application Instructions and Letters of Intent under the GA for Level B Harassment. Application Instructions for Photography (50 CFR 216.42, Reserved) will be proposed in FY 2000 but applicants are using the Application Instructions for Scientific Research and Enhancement permits in the meantime.

APPLICATION INSTRUCTIONS FOR SR/EN PERMITS

I. Title of the Application: 50 CFR 216.33 and 222.23(b).

Self-explanatory, identifies the type of permit requested, i.e. Scientific Research, Public Display, or Enhancement under the MMPA, ESA and/or FSA. It should be noted that permits for public display of fur seals cannot be authorized because of the determination of depletion for that species. If a determination of non-depletion can be made later, permits will again be authorized.

II. Date of Application: 50 CFR 216.34(a-c) and 222.23(b).

Self-explanatory.

III. Applicant and Personnel: 50 CFR 216.34(a), 216.35(f) and 222.23(b).

A. Self-explanatory. Needed for identification purposes.
Also, the permit holder will be ultimately responsible for all activities of individuals operating under the permit.

B. Qualifications and Experience of the PI, ...: 50 CFR 216.34(a)(5-6), 216.35(f-h) and 222.23(b).

NMFS needs assurance that the researchers and/or collector know what they are doing so that (1) the health and well-being of the marine mammals is guaranteed, (2) the take will be humane and (3) the research will be *bona fide* and necessary.

IV. Description of Proposed Scientific Research: 50 CFR 216.3, 216.34, 216.41, and 222.23(b).

A. Abstract/Statement of Work: 200 words or less describing the project including hypotheses.

B. Summary of marine mammals to be taken, imported or exported: 50 CFR 216.33(c)(2), 216.37, 216.41(b)(6)(i), 216.41(c)(v), and 222.23(b).

A.-B. Section 104(b) of the MMPA requires permits to specify the number and kind of marine mammals authorized to be taken, the manner and location of the taking, and the period of validity for the permit. While the kind of animal proposed to be taken as referenced in section 104(b) is often only considered to be the species name, NMFS also needs a description of the animals to be assured that imported marine mammals, except for scientific research or for enhancing the survival or recovery of a species or stock, will not be taken in violation of Section 102(b) of the MMPA (i.e. pregnant, nursing, less than 8 months old or from a depleted stock). For other takings, the information is needed to make determinations that taking is appropriate. For example, not taking breeding-age females unless necessary, taking young or juveniles in

preference to breeding adults, and not taking pregnant or nursing females unless it is part of the research design. In cases of enhancement, a determination whether the species or stock is in need of enhancement for its survival or recovery must be made.

Section 102(b) of the MMPA restricts the taking of marine mammals from depleted stocks unless the taking is for scientific research or for enhancing the survival or recovery of a species or stock. The MMPA also prohibits takings which could have a significant effect on a species or stock of marine mammal. Therefore, in order for NMFS to assess individual effects, applicants are asked in B.3. to indicate the known status of stocks of each species to be taken in the collection area.

All of these information items are requested of applicants in IV.A. and B. This information is also needed for assurance that the applicant is applying for a permit under the correct Act.

C. Detailed description of the proposed research activity (in the wild or in captivity): 50 CFR 216.34; 216.41(b), 216.37 (a-c); 222.23(b).

1. Duration of the project and locations of the taking: Provides basis to determine whether it is likely that the objectives will be met during the time allotted and with the available resources.

2.-3., 9. Types of taking involved and estimate of numbers...;Research in the wild...: Under Section 104(c)(1) of the MMPA requires permits to specify the methods of capture, supervision, care and transportation and that the taking is consistent with the purposes of the MMPA. Section 104(c)(3) of the MMPA requires applicants for scientific research permits to submit information indicating that the taking is required to further a *bona fide* scientific purpose. In addition, it requires that no permit shall authorize the killing of a marine mammal unless the applicant demonstrates that a nonlethal method for carrying out the research is not feasible.

4. Removing a marine mammal from the wild: NMFS, through stranding networks rescues stranded marine mammals and has a policy that these animals (mostly seals and sea lions) will be used if possible before allowing other animals to be taken from the wild. Most takings of pinnipeds for public display will be from animals stranded and rehabilitated. Stranded and captive marine mammals may also be used for scientific research under the appropriate conditions and circumstances. This protects wild stocks from additional impacts.

5. Taking of marine mammal parts or specimen samples: Marine mammal parts are also protected under the Acts and their disposition must be authorized by NMFS. The information requested of applicants ensures that such parts will either remain available for purposes benefitting scientific research or protected species, or be disposed of in an authorized manner.

6. Import/Export of marine mammals/marine mammal parts: 50 CFR part 14; 216.33, and 216.37... Country of exportation,...origin or destination country...: 50 CFR 216.36(a)(1)(iii). The MMPA requires NMFS to determine that any taking will be humanely

carried out before any permit authorizing a take can be issued. This applies to takings outside the jurisdiction of the United States if the takes are intended for importation into the United States. To satisfy this requirement NMFS needs to know the country in which the taking will occur, how the taking will be conducted and the marine mammal management program of the country of taking.

Protection or welfare: 50 CFR 216.33(e)(6). An exception to certain restrictions in the Acts on the export or import of protected species is provided if the import or export is necessary to benefit the health or welfare of the protected species concerned. This information is essential for NMFS to make a determination as to whether this exception is applicable.

7. Research on captive animals: 50 CFR 216.27, 216.34(a)(1) and (6); 216.34(g); 216.41(b)(6); 222.23(b).

(a)-(b), (g). In compliance with Section 104(b)(2)(B), NMFS requires that applicants prove taking will be humane and does not present any unnecessary risk to the animal's health and welfare. To make this determination, applicants must describe the manner of capture, a description of the transportation and holding facilities, and a statement from the attending veterinarian ensuring the well-being of the animals during capture and transit to the initial holding facility.

(c). NMFS needs this information to ensure authorization needed under 50 CFR 216.27(c) has been obtained as it relates to the disposition of nonreleasable rehabilitated beached and stranded marine mammals for special exception permit purposes.

(d). Identification needed for Marine Mammal Inventory.

(e)-(f). The Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) is responsible under the Animal Welfare Act (AWA) for captive marine mammals and has established regulations and standards, "Specifications for the Humane Handling, Care, Treatment, and Transportation of Marine Mammals" (9 CFR 1). Most U.S. facilities maintaining marine mammals are required to be licensed or registered by Agriculture. Researchers do not need to comply with APHIS standards on the care and welfare of marine mammals held in captivity if their research protocol justifies a variance from the standards and if the research institute's animal care specialists verify that the variance is necessary to carry out the research. Registered facilities must identify themselves, any variances, and state whether the facility can hold the requested animals. Applicants must furnish supporting documentation regarding the facilities' compliance with these standards before any permit involving captive maintenance can be issued. All of this information is necessary for NMFS to determine whether applicable and/or comparable care and maintenance standards are or will be met, and whether the taking is humane. If this information is not submitted, NMFS would not issue a permit. The Federal Courts have determined several times that the welfare of the marine mammal takes precedence over any economic considerations.

(h). Protocols for release...: 50 CFR 216.34(e). A scientific research permit is required for the release of captive marine mammals. As in the case of the release of rehabilitated beached and stranded animals (§216.27(a)(1)(i) and (a)(3)), NMFS needs this information in order to make a determination of whether the release will adversely affect the wild population and whether additional permit conditions to improve likelihood of success should be imposed.

8. Background and review of research: The applicant is to provide a description of similar research on the same or comparable species or stock, and, whether such research has been or is being conducted. This information is essential for NMFS to make the determination required under Section 104(c) of the MMPA that the proposed research is *bona fide*.

9. Lethal take: 50 CFR 216.41(b)(2) and (c)(1)(v). This information is necessary to ensure that the prohibitions and restrictions of the Acts on the lethal take of protected species are taken into consideration prior to authorization of and import/export of a marine mammal or marine mammal part.

10. Research on endangered species: This information must be submitted by the applicant to provide sufficient information for NMFS to make the determinations required under Section 104(c)(4) of the MMPA regarding enhancement permits, and to make certain findings when a permit is issued. The applicant must demonstrate the proposed activity furthers an enhancement purpose.

D. Describe the anticipated effects...: 50 CFR 216.33(c)(v) and (d)(i and iv); 216.34(a)(4); 216.41(b)(4); and 222.23(b).

Under the National Environmental Policy Act, NMFS must assess the effects, both case-by-case and cumulative, of permitted activities. In most cases this information will support a conclusion that the categorical exclusion for permits is appropriate and an environmental assessment or impact statement is not required. The information requested in D.1-6 is needed to make such assessments. The information in D.1-5 is also required to determine the humaneness of the take.

E. Publication of Results: 50 CFR 216.41(c)(ii).

This information is essential for NMFS to determine that the research meets the definition of *bona fide*, as defined at 50 CFR 216.3.

F. Proposal and previous and other permits:

1. Formal Research Proposal: 50 CFR 222.23(b)(5)(iii). A copy of the applicant's research proposal is to be submitted if one has been prepared. This information supplements that submitted in IV.D. above.

2. Sponsors and cooperating institutions: The names and addresses of sponsors and/or cooperating institutions is needed to support the permit applicant's qualification

credentials. It is more likely that sponsors will oversee the applicant's research and that the research will be carried out in a responsible and humane manner.

3. Previous permits: This information ensures that permits are not issued to applicants that are not in full compliance with the terms and conditions of existing permit(s). Applicants holding previously issued scientific research and enhancement permits are expected to report progress on that research annually (see Reports below). Annual reports also allow NMFS to monitor numbers of animals taken. This information is necessary for the assessment of *bona fide*.

Additionally, applicants holding captive marine mammals should provide an update to their inventory. These permit holders are required to notify NMFS within 15 days (30 days for death or births) of any changes to the status of these animals (i.e., acquisitions, transfers, transports, sales and exports) for the NMFS inventory including a description of the individual marine mammals concerned and any relevant and identifying characteristics.

4. Other permits: 50 CFR 216.35. Proof of compliance with other applicable Federal and state laws is required before a permit will be issued.

V. Special considerations for Applicants working abroad (exports of parts/samples or live animals from the United States): 50 CFR 216.33(b).

Section 104(c)(9) of the MMPA states, "No marine mammal may be exported for the purpose of public display, scientific research, or enhancing the survival or recovery of a species or stock unless the receiving facility meets standards that are comparable to the requirements that a person must meet to receive a permit...". Information needed to assess the ability of the foreign applicant to conduct activities within the parameters comparable to those that a U.S. entity would be consistent with U.S. law. NMFS must rely on independent evidence upon which to base a conclusion as to the reliability of statements concerning information set forth by foreign applicants in their applications as well as independent evidence that the government having jurisdiction over the facility has the appropriate laws and regulations to ensure compliance with permit conditions (and will do so), and will provide NMFS with essential reports. Therefore, no application from a foreign applicant will be considered unless all of the certifications at §216.33(b) are provided.

A.& B. Protected species laws, etc. of, and manner of taking in, origin country: Essentially, the applicant is required to submit this information to ensure that (1) applicable law is met, whether it is U.S. or foreign and (2) that protected species taken (including held captive) in a foreign country are not taken in an inhumane manner because of the less-protective laws of a foreign country.

VI. Certification and Signature: 50 CFR 216.33(a) and 222.23(b).

Needed to make applicants aware that they must be truthful in statements made within the application. Also required by

18 U.S.C. 1001.

APPLICATION INSTRUCTIONS FOR PUBLIC DISPLAY (PD) PERMITS

50 CFR 216.43 reserved for public display provisions not codified; section 104(c) of the MMPA as amended by P.L. 103-238.

Application instructions for public display permit applicants reflect the 1994 amendments to the MMPA. Section 104(c)(2) of the MMPA was amended whereby the need to obtain a public display permit is limited to captures of marine mammals from the wild or the import of marine mammals/marine mammal parts.

Sections I-III correspond to those in the Application Instructions for Scientific Research and Enhancement permits. The Certification sections, VI. for Scientific Research and VIII. for Public Display are the same. Paragraphs C.8. through C.10., paragraph E., and paragraph F.1. in section IV for Scientific Research do not apply to section IV for Public Display. All other information requested in section IV applies to both Scientific Research and Public Display, although in a different order.

V. Import: 50 CFR part 14; 50 CFR 216.35(c-d); 216.36 (a)(iii); 216.37; and 222.23(d)(3).

A-D. Since the AWA standards for care, maintenance and transportation are not enforceable by APHIS until the marine mammal reaches the United States, NMFS can condition permits to ensure the well-being of the animals while in transit in the foreign country and to ensure that the applicant has planned appropriately for the animal(s) during transport.

F. Description of taking...: Except for purposes of scientific research or enhancement, the importation of pregnant, lactating, or either unweaned or less than 8 months old marine mammals, at the time of taking or transfer/transport, is prohibited under Section 102 of the MMPA, unless such importation is necessary for the protection or welfare of the marine mammal. Applicants must submit this information if they propose to import such marine mammals under the authority of a public display permit.

E-G. Foreign take consistency: An applicant proposing to import a live animal for public display must demonstrate that the manner of taking in the foreign country was consistent with what would have been allowed in the United States or on the high seas under the jurisdiction of the MMPA, to ensure that animals are taken humanely as required by the MMPA.

H. Replacement takes: The applicant must state whether the import/export proposed will result in replacement takes, or whether the proposed import/export will result in an increased demand or pressure to take marine mammals or marine mammal parts. This information is necessary for NMFS to consider cumulative effects and indirect impacts of permit issuance, and to avoid the creation of circumstances leading to an unauthorized taking of marine mammals.

I. Import for the protection or welfare...: The applicant must describe the circumstances that indicate emergency importation is necessary. NMFS needs this information to determine whether the exceptions in Section 102(b) of the MMPA would be appropriate.

VI. Exports

A permit is not required for the export of marine mammals for public display purposes. However, these exports must meet standards comparable to those applicable to the transport of marine mammals between U.S. facilities (16 U.S.C. 1374 et seq.). These requirements are provided to applicants for information.

VII. General Requirements

This section requests that the applicant submit information necessary to address the requirements of Section 104(c)(2)(A) of the MMPA which limits the issuance of public display permits to applicants who (1) are licensed or registered under the AWA by the Department of Agriculture's APHIS; (2) offer a program for education or conservation purposes that is based on professionally recognized standards of the public display industry, and (3) maintain a facility that is open to the public on a regularly scheduled basis with access not restricted other than by an admission fee. Without the submission of this information, NMFS would be unable to determine whether the applicant meets the three issuance criteria.

GENERAL AUTHORIZATION (GA) FOR LEVEL B HARASSMENT FOR SCIENTIFIC RESEARCH 50 CFR 216.45.

To implement Section 104(c)(3)(C) of the MMPA, NMFS published an interim final rule on October 3, 1994 for the GA for Level B harassment [Attachment 2]. A Letter of Intent, submitted at least 60 days before research is to begin, must contain the information specified at 50 CFR 216.45(b)(2)(i-iv) including the name, address, telephone number, qualifications, and experience of the applicant (i.e., principal investigator) and any co-investigator. Curricula vitae must be provided for each, including a list of publications by such investigator relevant to the objectives, methodology, or other aspects of the proposed research. Each Letter of Intent must be signed, dated, and include the certification statement specified at 216.45(b)(3).

Additionally, each Letter of Intent must include brief statements responsive to the information requirements of section 104(c)(3)(C) of the MMPA: The species or stocks of marine mammals (common and scientific names) that are the subject of the scientific research and any other species or stock of marine mammals that may be harassed during the conduct of the research; the geographic location(s) in which the research is to be conducted, e.g., geographic name or latitude/longitude; the period(s) of time over which the research will be conducted (up to 5 years), including the field season(s) for the research, if applicable; the purpose of the research, including a description of how the proposed research qualifies as bona fide research; and the methods to be used to conduct the research.

APPLICATION INSTRUCTIONS FOR PHOTOGRAPHY. 50 CFR 216.42 reserved; not codified.

Section 104(c)(6) of the MMPA as amended by P.L. 103-238 establishes photography permits for educational and commercial purposes involving marine mammals in the wild that are limited to Level B harassment. Proposed regulations implementing these provisions are expected sometime during FY 2000. Applicants are currently using the instructions provided to scientific research and enhancement applicants.

REPORTS. 50 CFR 216.27, 216.38, 216.45, and 222.23(b).

Section 104(c) of the MMPA requires "Any permit...shall specify, in addition to the conditions required by subsection (b) of this section, the methods of capture, supervision, care, and transportation which must be observed..." and that "any person authorized to take or import a marine mammal for purposes of scientific research, public display, or enhancing the survival or recovery of a species or stock [to] furnish to the Secretary a report on all activities carried out by him pursuant to that authority." The provisions promulgated at 50 CFR 216.38 require all permit holders to submit reports in accordance with the requirements established in their permits. Proposed reporting requirements for the GA are specifically addressed in 50 CFR 216.45.

Reports are of several types and may be submitted annually or on occasion. For scientific research and enhancement permits, the annual report is a summary of all research and enhancement activities conducted during the year (50 CFR 216.38). This report can vary from a simple list of activities to a detailed report of the research including an analysis of results. Numbers of marine mammals taken must be included in the reports. Often, researchers must supply an annual report to a third party as part of a grant or contract. Such reports can be used to fulfill MMPA/ESA requirements, thereby reducing the burden on permit holders. Annual reports are necessary for NMFS to determine that the permit holder is abiding by the conditions of the permit, and whether a modification or amendment to the permit is necessary as well as to track numbers of marine mammals taken. Final reports are necessary for scientific research and enhancement permits, and those under the General Authorization to summarize the research objectives and results, to provide information concerning whether the permitted research or enhancement activities met stated objectives and an indication of where and when the research findings will be published or otherwise made available to the public or scientific community.

Transport Notification

Under the 1994 Amendments, a special exception permit or other NMFS authorization is no longer required for the transport, transfer, or export of marine mammals for purposes of public display. Provided the intended recipient meets the three public display criteria specified at Section 104(c)(2) of the MMPA, a holder of captive marine mammals for public display purposes need only provide NMFS with notification at least 15 days in advance of the proposed transport, export, sale or other transfer of custody. To ensure compliance with this statutory requirement

and in conjunction with ongoing efforts to reduce and streamline reporting requirements, NMFS prepared a Marine Mammal Transport Notification [Attachment 7]. Sections IV. and V. of the transport notification require the recipient to certify compliance with the three criteria at Section 104(c) of the MMPA, and attaching supplementary documentation, if needed, or if previously submitted, checking the appropriate boxes. The current holder (shipper) must identify the marine mammals to be transported and certify the accuracy of the information provided. The notification has been designed so that holders of marine mammals may use it also to notify NMFS of exports for the purposes of public display.

Marine Mammal Data Sheet (MMDS)

Section 104(c)(10) of the MMPA, as amended, directs the Secretary to establish and maintain an inventory of captive marine mammals and their progeny. Public display permit holders and others maintaining captive marine mammals must notify NMFS within 30 days of captive births and deaths along with other inventory changes/disposition, i.e., transfer, sales. NMFS maintains an automated Permit Program Information Management System (PPIMS) database of permit tracking information, as well as inventory information for over 7000 captive marine mammal including identification numbers, locations, birth dates and other basic data. Although NMFS has maintained an inventory of captive marine mammals since 1972 as part of the terms and conditions of special exception permits, this more recent statutory requirement requires this information regardless of whether the reporting entity is a permit holder.

To simplify compliance with the statutory requirement and to ensure consistency of the submissions, NMFS has developed a Marine Mammal Data Sheet (MMDS) [Attachment 8] to be used alone to report changes in the holder's inventory, i.e., births and deaths. And, it may be attached to the Marine Mammal Transport Notification (MMTN) to identify marine mammals that the holder proposes to transport, export, sell or otherwise transfer. The information requested on the MMDS are the items specified in Section 104(c)(10) of the MMPA and also correspond to the database fields in the PPIMS inventory system.

Once the information on the initial inventory information for Section II. of the MMDS, has been provided it does not change. Regardless of the number of transports or transfers of a specific marine mammal, the database generates an updated MMDS thereby providing the new holder with an accurate MMDS to be used to report future changes. Section IV. (Disposition) of the MMDS remains blank until the holder reports a transfer, death or release of the marine mammal identified on the MMDS. When the holder uses the MMDS, it eliminates the need for the respondent to prepare a formal letter and ensures accurate animal identification. Used together, the MMTN and the MMDS should simplify and expedite the notification requirements and inventory updates.

Periodically, NMFS submits to each public display permit holder and to others maintaining captive marine mammals, a Marine Mammal Inventory Report-Summary by Holder and Species (MMIRS) listing the marine mammals in their collection [Attachment 9 together with a Person/Holder/Facility Sheet (PHF Sheet) to update, as necessary. The PHF Sheet [Attachment

10] is computer-generated and contains the name, address and telephone number of the individual who is responsible for and has the signatory authority for marine mammal custody decisions. The primary contact is the registrar or other person responsible for maintaining the marine mammal inventory records at the facility. The return of an updated MMIRS and/or PHF Sheet by permit holders, satisfies the reporting requirement.

Special reports include those required for the initial importation, transfer, export or re-import of marine mammal parts (50 CFR 216.37); live captures; lethal take; and others including the reporting of an unexpected event that may pose a significant adverse effect upon the health and welfare of the marine mammal species or the marine ecosystem. A person authorized to hold marine mammals for rehabilitation must submit reports regarding release or other disposition as indicated in 50 CFR 216.27(d). Disposition reports provide basic data on rehabilitated marine mammals similar to that required in the marine mammal inventory. Also, a description of the disposition of any marine mammal part including identification as indicated in 50 CFR 216.37(a)(4) and manner of disposition.

Permit requirements implemented under 50 CFR 216. mandate that permit holders who hold live animals also update marine mammal inventory information within 30 days whenever a take, birth or death occurs within their facility or a facility holding a marine mammal for them. This information is needed by NMFS to determine the status of public holdings of marine mammals. Inventory and update reports provide NMFS with information that is frequently requested and used, especially to respond to Congressional (annual report to Congress) and general public inquiries, and to monitor compliance with take requests. Essentially, the U.S. Government is responsible for ensuring the health and welfare of these protected species and needs to know that these animals are being handled appropriately. Facilities permitted to hold marine mammals are custodians of the marine mammals; subject to the public interest of the citizens of the United States.

The use of photos/footage taken under the authority of the General Authorization must be documented in the annual report for the permit (50 CFR 216.45(d)(8)). Notifications to NMFS of the initiation of activities is required for all permits and authorizations and is included in the burden hour estimates for Reports.

Occasional special reports under scientific research/enhancement permits, General Authorizations, and photography permits include notifications of transfers of marine mammal parts and subsequent record-keeping (50 CFR 216.37), and unauthorized take of marine mammals (e.g. exceeding the number of authorized takes, an unauthorized injury or mortality, take of a species not authorized under permit, etc.). As an aggregate, these special reports average ≤ 1 per year; the burden hour estimates for these special reports are included within the estimates under Reports in section 12.

3. Describe any consideration of the use of improved information technology to reduce the burden on the public. Describe whether, and to what extent, the collection of information involves the use of automated electronic, mechanical or other technological techniques, or other forms of information technology.

The Office of Protected Resources, NMFS, has automated many aspects of its permit program. Reporting requirements for captive marine mammals have been reduced to an update of computer forms generated by a Permit Program Information Management System (PPIMS), a DOS-based relational database software configured to support administration of the permit database and permit processing. PPIMS replaced less sophisticated software in 1995, and was developed to improve permit processing and to facilitate and simplify both permit applicant and permit holder interaction with NMFS including maintenance of the Marine Mammal Inventory. The existing marine mammal inventory and transport databases are undergoing additional updates under a Cooperative Agreement between NMFS and ISIS, and when fully operational will, in some part, be available on a web-page to marine mammal inventory holders. Additionally, discussions are underway and once security concerns have been addressed, NMFS hopes to place the Marine Mammal Inventory Report on the web-site also. The instructions for scientific research/enhancement permits are currently available on the NMFS Home Page. When the final regulations for photography and public display permits have been finalized, these application instructions will also be available to the NMFS web-site. NMFS hopes to realize a reduction of 20-40 percent in burden hours associated with applications and reports.

4. Describe efforts to identify duplication with other collections which may be gathering the same or similar information. If the same or similar information is available, describe why it cannot be used or modified for the purposes described in "2" above.

Under the ESA and MMPA, the U.S. Fish and Wildlife Service, Department of the Interior, has similar permit regulations for animals under their purview. It also has sole authority for issuing permits under CITES (see Section 8 of the attached ESA). For applicants importing or exporting marine mammals or marine mammal parts, two applications may be required, one for the MMPA and/or ESA, and one for CITES. Since the FWS is the designated Management Authority for CITES, issuing CITES permits for all endangered/threatened plants and wildlife, some duplication is unavoidable.

Under the ESA, there is no overlap or duplication for marine mammal actions as our regulations address requirements of both laws and a single application and permit covers all requirements of both laws.

Under the 1994 Amendments, NMFS no longer has shared responsibility for captive care of marine mammals; the Department of Agriculture now has sole responsibility for the standards governing the humane handling, care, treatment and transportation of captive marine mammals under the Animal Welfare Act. Consequently, NMFS no longer collects information from public display applicants regarding their facilities. To obtain a public display permit or to receive a captive marine mammal, applicants must first obtain proper APHIS certification. (All three

agencies meet on a regular basis to identify and eliminate unnecessary duplication and are parties to a Memorandum of Agreement that outlines their respective roles under the MMPA.)

NMFS has not identified instances where similar information required for permit applications/authorizations requests, reports, or for stranded marine mammal release/disposition is available other than through submission by the applicant/permit holder or facility authorized to rehabilitate beached or stranded marine mammals.

5. If the collection of information will have a significant impact on small entities such as small businesses, organizations, or government bodies, describe the methods used to minimize the burden on them.

Applicants are requested to provide only that information required by the Acts or necessary to determine the sufficiency of an application. The information on an application is used by NMFS, the Marine Mammal Commission and the public as a basis for a decision on permit issuance or denial. Applicants are asked to provide only that information relating to issuance criteria. In applications involving the take of threatened or endangered species, NMFS issues one permit under joint authority of the MMPA and ESA rather than two separate permits, and their respective reporting requirements. In addition, because the majority of permit applicants and holders use computers in the conduct of their research and administration of their public display activities, NMFS intends to provide PC-based custom software to simplify and to make application and report submission more consistent.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

Information must be provided with each original permit application or amendment. The information is submitted one time only unless the submission is inadequate in which case the application is returned. Unless an amendment of the permit is necessary, the applicant need not submit new information. As permits are valid for three to five years, less frequent collection of information is not appropriate for these applications.

Reports on activities conducted under permits must be submitted annually. Annual reports for scientific research and enhancement permits must summarize takings activities under the permit during the reporting period, including an assessment of whether the research/enhancement conducted under the permit during the reporting period addressed the stated objectives of the research/enhancement, as well as basic updates to application information. For permits involving captive maintenance, reports include an updated protected species inventory report, including a description of any protected species exported. Only that information necessary to update the information provided in the permit application or as updated in earlier reports must be submitted. Reports for public display permits consist of any updates to the marine mammal inventory that have not been reported during the year. Intrusive research is reported separately under a scientific research permit.

Section 104(c)(E) of the MMPA states "...No marine mammal... may be sold, purchased, exported or transported unless The Secretary is notified of such action no later than 15 days before such action..." Therefore, whenever a significant change in the status of a captive animal occurs (e.g., birth, transfer, death), a special report must be submitted. However, reports submission timing varies depending upon the status change and other factors. A timely report eliminates recordkeeping by the applicant since this information would be required to be submitted annually. As the basic captive animal data is maintained in the PPIMS database and generated as needed, NMFS retains the recordkeeping responsibility and the permit holder need only ascertain its accuracy. Less frequent reporting would shift the recordkeeping burden to the permit holder and would impede NMFS' responsibilities to monitor permit activities and compliance with permit conditions.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with the OMB guidelines.

The collection is consistent with 5 CFR 1320.6 except for the requirements that a report be submitted within 30 days of a particular event, i.e., death, birth, sale, etc.; and a notification at least 15 days in advance of a proposed transport or export. Also, 50 CFR 216.27(a)(2) requires rehabilitation facilities to provide 15 days' notice prior to the release of any rehabilitated marine mammal to the wild and 30 days' notice prior to the release of any rehabilitated imported marine mammal; or 15 days' notice prior to the transfer of custody/transport to another entity for scientific research, enhancement or public display purposes. Sections 104(c)(8)(B)(i) and (ii) of the MMPA stipulate these 30-day and 15-day notifications respectively.

8. Summarize the public comments received in response to the PRA Federal Register notice and describe the actions taken by the agency in response to those comments.

NMFS received one telephone request for the information collection documents in response to the PRA notice, 64 FR 49160, published on September 10, 1999 [Attachment 11]; however, the requestor did not submit comments.

Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

NMFS consults on an ongoing basis with the scientific research/public display community, and other interested parties, with regard to the availability of data, frequency of collection, clarity of instructions and recordkeeping, disclosure or reporting format, and on the data elements to be recorded, disclosed or reported. NMFS encouraged these parties to comment on the reporting section of the proposed revised permit regulations, and when the 1994 Amendments were enacted, held several public meetings to discuss the implications, and later solicited comments and suggestions on the draft formats for the Marine Mammal Data Sheet and the Marine Mammal Transport Notification. All comments were considered and many recommendations were

incorporated into the May 1996 final rule [Attachment 3]. NMFS attended the 1998 Annual Zoo Registrars' Meeting in an effort to maintain communication with recordkeepers. Additionally, based on comments from zoo registrars and others, NMFS initiated contact in 1998 with the International Species Information System (ISIS), a membership organization representing at least 50 per cent of marine mammal holders reporting to NMFS, that collects inventory information on several thousand species including marine mammals. Under Section 102 of the MMPA, NMFS has entered into a Cooperative Agreement with ISIS to administer the marine mammal inventory and transport notification system on behalf of NMFS through the modification of the ISIS windows-based software. This would eliminate duplicative reporting and reduce the costs associated with updating the PPIMS software.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

No payment or gifts have been provided to any respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

No assurance of confidentiality is given. A notice of receipt of permit applications is required by statute to be published in the Federal Register and applications and supporting documentation are available for review by the public at every stage of processing and during the life of the permit. The provisions at 50 CFR 216.33 implement these statutory requirements, and are referenced in and attached to the Application Instructions. All permit documentation including reports is subject to the Freedom of Information Act (FOIA). However, all information in curriculum vitae that is subject to the Privacy Act is redacted when released under FOIA.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

Neither the Applications, Letters of Intent or the Reports require the submission of information of a sensitive nature.

12. Provide an estimate in hours of the burden of the collection of information. If this submission is a revision to an approved collection, and describes only the revised requirements, this answer should just reflect the new burden for that requirement and how much this has increased or decreased from the previous burden (if any) for the requirement.

Total Number of Respondents - 461

51 New Applicants
 180 Permit Holders
 75 GA Researchers
 150 Holders/Marine Mammals
 5 Rehabilitation Facilities

Total Number of Recordkeepers - 237

Applications

SR/EN	25/yr	x	29 hrs =	725 hrs.
PD	1/yr	x	20 hrs =	20 hrs.
Photography	10/yr	x	10 hrs =	100 hrs.
GA Ltrs of Intent	15/yr	x	20 hrs =	300 hrs.

Retain/Transfer

Rehabilitated

Marine Mammals	5/yr	x	2 hrs =	10 hrs.
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Amendments

Major	50/yr	x	29 hrs =	1450 hrs.
Minor	75/yr	x	3 hrs =	225 hrs.
GA changes	5/yr	x	3 hrs =	15 hrs.

Reports

SR/EN Annual/Final	125/yr	x	12 hrs =	1500 hrs.
PH Annual/Final	50/yr	x	2 hrs =	100 hrs.
PD Permit	5/yr	x	2 hrs =	10 hrs.
GA Annual/Final	75/yr	x	12 hrs =	900 hrs.
MM Inventory	150/yr	x	2 hrs =	300 hrs.

-Transport Notification (1 hr)

-MM Data Sheet (0.5 hr)

-P/H/F Sheet (0.5 hr)

SUBTOTAL	5,655 hrs.
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Recordkeeping (See Item #13)	510 hrs.
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GRAND TOTAL	6,165 hrs.
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The use of photos/footage taken under the authority of the General Authorization must be documented in the annual report for the permit (50 CFR 216.45(d)(8)). Notifications to NMFS of the initiation of activities is required for all permits and authorizations and is included in the burden hour estimates for Reports.

Occasional special reports under scientific research/enhancement permits, General Authorizations, and photography permits include notifications of transfers of marine mammal parts and subsequent record-keeping (50 CFR 216.37), and unauthorized take of marine mammals (e.g. exceeding the number of authorized takes, an unauthorized injury or mortality, take of a species not authorized under permit, etc.). As an aggregate, these special reports average ≤ 1 per year; the burden hour estimates for these special reports are included within the estimates under Reports above.

SUMMARY OF CHANGES

<u>Type of Request</u>	<u>Current Estim.</u>	<u>Prev. Estim.</u>	<u>Chng Estim.</u>
Applications			
-SR/EN/PD	845	1,115	- 270
-Letters of Intent	300	1,450	-1,150
-Requests to retain/ transfer rehabilitated Marine Mammals	10	-0-	+ 10
Amendments			
-Major	1,450	1,044	+ 406
-Minor	225	108	+ 117
-GA Changes	15	15	-0-
Reports			
-PD Reports	10	30	- 20
-SR/EN Reports	1,500	1,536	- 36
-GA Reports	900	288	+ 612
-PH Reports	100	20	+ 80
-Release/Disposition of Rehabilitated Marine Mammals	-0-	500	- 500
Recordkeeping	510	854	- 344

The number of respondents averages 461 per year; a slight increase of 3 from the last submission of 458. There have been a number of changes within this universe. While the number of New

Applicants has decreased from 95 to 51 in this submission, we have recalculated the average number of GA Researchers from an estimated 30 in the last submission to an average of 75 over the last 4 years. In this submission, we have recalculated also the number of Rehabilitation Facilities to show a reduction from 38 respondents to a “universe” averaging 5, which make up the new category, request for authorization to retain/release rehabilitated marine mammals. Although there are an average of 38 facilities designated for rehabilitation under the Marine Mammal Stranding Network, a limited number of those designated facilities submit requests for authorization to retain marine mammals or to transfer them to another holder. (The primary goal of network members is to provide medical care and release the marine mammals back into the wild.) Some facilities may submit more than one request while others do not submit any. The Disposition/Release reports category submitted in the last submission is now submitted by the rehabilitation facilities are reflected under OMB No. 0648-0178. The decrease in the number of PD permit applicants continues (from 4 to 1) as captive births of marine mammals appear to be filling the needs of the public display industry thereby reducing the need to collect marine mammals from the wild or to import them. Respondents in the public display permit category are only those permit holders with outstanding authorizations to capture from the wild or to import marine mammals, i.e., those with "active" permits. Respondents without "active" permits, report on their captive marine mammal inventory under the Holders/Marine Mammals category and average 150 annually.

APPLICATIONS

The burden hours for all permit applications have decreased from 2,565 to 1,155 including a major decrease of 1150 hours estimated for Letters of Intent under the GA. This reduced burden reflects the decrease in the number of applicants from 95 to an estimated 51. It also reflects a change in estimated burden hours for GA Letters of Intent and PD Permit Applications from 29 to 20, since the information required for both is less than needed for SR/EN Permit Applications. There is a new category for requests to retain or transfer beached and stranded marine mammals undergoing rehabilitation at designated facilities. Although there are an average of 38 rehabilitation facilities, their goal is to rehabilitate and release back to the wild as many beached and stranded marine mammals as possible. Therefore, we estimate an average of only 5 requests annually. We estimate the average burden for facilities requesting this authorization is 30 minutes to read the instructions at 50 CFR 217.37, 1 hour to compile the documentation, and 30 minutes to prepare the written request. The estimated number and burden hours for photography applicants has remained steady at 1 hour to read the instructions, 2 hours to compile documents, 6 hours to complete the application and 1 hour for the transmittal letter.

AMENDMENTS

We estimate 1,690 hours for amendments to permit applications, including changes under the GA. This submission shows an increase of 523 hours. The last submission estimated 1,167 hours for 77 amendments divided equally between major and minor subcategories. The increases in this submission reflect the increases in burden hours for both major amendments (406) and minor

amendments (117). For minor amendments, we estimate an average of 3 hours while major amendments are similar to applications and average 29 hours.

REPORTS

The previous submission estimated 2,674 burden hours for reports. In this submission, there is an estimated 2,810 hours, a slight increase of 136 hours. Although we have eliminated the Release/Disposition report category (500 burden hours), we have recalculated the permit related reports to reflect changes in several areas. In the last submission, the 5-year cycle for the new PH and GA categories was just beginning and final reports were not anticipated until the year 2000; therefore, there were no burden hours included in the last submission for these final reports. Since then, a number of permit holders and GA researchers have concluded their authorized research activities and submitted final reports. The increase also reflects the recalculation in the number of respondents for these two categories. Overall there has been an increase in the number of reports in all of the categories (177 last submission; 430 this submission). There continues to be a decrease in burden hours for PD reports with recalculations showing an average 10 hours versus 30 hours for these reports. Together with the increase in the number of respondents, we calculate 12 hours to complete annual or final reports under the GA accounting for the current burden estimate of 900 hours versus 288 hours in the last submission.

In the last submission, under the category of Release/Disposition reports, the burden estimate was 500 hours consisting of 2 hours for 250 reports. However, as indicated in Item #12, this category was eliminated accounting for a decrease of 500 hours.

We continue to estimate an average burden of 300 hours for the Marine Mammal Inventory reports submitted by holders of captive marine mammals, other than "active" permit holders. We estimate 2 hours for each respondent, including 1 hour to complete the Transport Notification and ½ hour each for the Marine Mammal Data Sheets and the P/H/F Sheets. There are approximately 150 holders of captive marine mammals but the burdens for respondents will vary due to differences in the size of their animal collection, and the types and frequency of the changes. For example, a holder that maintains marine mammals in several facilities and transfers these animals from one facility to another will submit more transport notifications than a holder that maintains animals at one just one facility, e.g., Sea World, Inc. has four facilities. Some holders with larger inventories will likely have more births and deaths to report than those with fewer animals.

Overall, we estimate the new burden of this collection to be 6,165 hours -- a decrease of 1,095 hours.

13. Provide an estimate of the total annual cost burden to the respondents or recordkeepers resulting from the collection.

Under the MMPA and ESA, permit holders are required to retain records for a period of up to five years. NMFS continues to maintain the policy that once a permit holder submits a final

report, the requirements for recordkeeping have been met. For permit holders and others holding captive marine mammals for public display, once the Mammal Mammal Inventory report consisting of the Marine Mammal Data Sheet, Transport Notification and P/H/F Sheet have been submitted, further recordkeeping by the respondents is discretionary since inventory data is maintained in PPIMS. We estimate 2 hours for recordkeeping responsibilities associated with the reports for PH permit holders or researchers under the GA. In the last submission, 2 hours were estimated for recordkeeping relating to the Release/Disposition category. With the elimination of this category, the estimated burden is reduced by 490 hours. There are no recordkeeping burdens associated with the new category under Requests to retain/transfer, since once the authorization has been issued, no further recordkeeping is required as inventory reports are entered into the NMFS database and holders have no further recordkeeping obligations.

Recordkeeping Summary

SR/EN Reports	125/yr	x	2 hrs	=	250 hrs
GA Reports	75/yr	x	2 hrs	=	150 hrs
PH Reports	50/yr	x	2 hrs	=	100 hrs
PD Permit	5/yr	x	2 hrs	=	10 hrs
TOTAL HOURS					510 hrs

The total annual cost is estimated at \$571.90 to cover the mailing of the submissions.

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate costs, which should show the quantification of hours, operational expenses (such as equipment, overhead, printing, and staff support), and any other expense which would not have been incurred without this collection of information. You may aggregate cost estimates from Items 12, 13 and 14 in a single table.

The estimated annual costs to the Federal Government is \$189,220. calculated as follows:

<u>Type of Request</u>	<u>Processing Time</u>	<u>Av./yr</u>	<u>Cost/hr</u>	<u>Total</u>
Applications	80 hrs	38	\$20.	\$60,800.
Letters of Intent	40 hrs	15	\$20.	\$12,000.
Amendments				
Major	80 hrs	50	\$20.	\$80,000.
Minor	10 hrs	75	\$20.	\$15,000.
GA Changes	10 hrs	5	\$20.	\$ 1,000.
Retain/Transfer				
Rehabilitated	2 hrs	5	\$20.	\$ 200.
Marine Mammals				
PD Reports	3 hrs	12	\$20.	\$ 720.

SR/EN Reports	3 hrs	125	\$20.	\$ 7,500.
GA Reports	3 hrs	75	\$20.	\$ 4,500.
PH Reports	3 hrs	25	\$20.	\$ 1,500.
Marine Mammal Inventory Reports	2 hrs	150	\$20.	\$ 6,000.

15. Explain reasons for any program changes or adjustments reported in Items 13 or 14 of OMB 83-I.

The primary change in burden is the result of separating a number of endangered species permit requirements, which have been submitted separately for approval. The information provided below pertain to the specific requirements still addressed in this clearance request.

The burden associated with this collection of information has decreased slightly since the 1996 submission. This decrease is attributable to: (1) elimination of a public display permit to transport or otherwise transfer possession of captive marine mammals; (2) establishment of a new category of permit for photography; (3) establishment of a GA for Scientific Research for Level B harassment; (4) new reporting and recordkeeping requirements associated with the Marine Mammal Inventory; (5) recalculation of reports submitted by PD permit holders; (6) elimination of the burden for Release/Disposition reports for animals undergoing rehabilitation (transferred to OMB No. 0648-0178); and (7) establishment of requests for authorization to retain or transfer for a special exception purpose under 104 of the MMPA, beached and stranded marine mammals undergoing rehabilitation under 109(h) of the MMPA.

APPLICATIONS:

This submission shows a decrease in the burden for applications and Letters of Intent but an increase in both Major and Minor amendments. Although the number of public display applicants has dropped significantly since permits are no longer needed to transfer captive marine mammals, this has been offset by the addition of applicants in the GA and PH categories. Prior estimate showed an almost equal number of minor and major amendments; however, there has been an increase in the number of minor amendments, thereby increasing the burden to 225 hours. Also in this category are the new requests for changes to a Letter of Intent under a GA for which we estimate the time as 2 hours, similar to a minor permit amendment (i.e., 30 minutes to read instructions, 1½ hours to write the request). A new request in this category is for authorization to retain or transfer non-releasable beached or stranded marine mammals undergoing rehabilitation under section 104(h) of the MMPA, however, the estimate burden is 10 hours. Although there are 38 approved rehabilitation facilities and several hundred beached and stranded marine mammals undergoing rehabilitation, there are only an average of 5 requests for authorization to retain or transfer these animals for permanent placement.

REPORTS:

While this submission shows a small decrease in the number of reports for PD/SR/EN, there is an increase in the reports under GA and PH due to the submission of final reports when the permits expire (at the end of five years). Reporting burden for public display has shifted from reports on permit activity to reports/notifications regarding changes to marine mammal inventories. As changes occur, respondents submit an annotated computer generated Marine Mammal Data Sheet together with a Marine Mammal Transport Notification, when applicable, and if submitted on a consistent basis throughout the year, the reporting burden is reduced.

The Necropsy, Take and Other special reports have been incorporated into the Marine Mammal Inventory reports or permit holder annual reports. Necropsy reports have been eliminated due to statutory changes so holders of captive marine mammals need only report the date and cause of death. Separate final reports have also been eliminated for PD permit holders since a facility closure would be reported in a Transport Notification/Marine Mammal Data Sheet that showed the sale or other disposition of the facility's inventory. Reports for permit holders would automatically cover a lethal take or a collection report for a capture in the wild. With the standards of care and maintenance for captive marine mammals now under the sole authority of the Department of Agriculture, NMFS no longer requires annual updates on facility standards or interactive programs from PD permit holders.

RECORDKEEPING:

We have eliminated the category Release/Disposition of Rehabilitated Marine Mammals so this submission shows a decrease of 500 hours of recordkeeping associated with these reports. There is no recordkeeping burden associated with the new category of Requests to authorize the retention or transfer of rehabilitated animals. Once the authorization has been granted and the marine mammal is entered into the Marine Mammal Inventory in the PPIMS database, there is no further recordkeeping requirement. The modest increases in the GA and PH categories reflect the recordkeeping burden associated with final reports. Since categories were new in the last submission, there were no PH permits or research conducted under the GA that had expired. Permits and research conducted under the GA are effective for a period of five years, unless extended by amendment to the permit.

16. For collection whose results will be published, outline the plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide a time schedule for the collection, publication and other actions.

The results of this collection are not for publication.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

We are not seeking this approval.

18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.

There are no exceptions to the certification statement.

APPLICATION INSTRUCTIONS
AND SUPPLEMENTAL INFORMATION
FOR
PERMITS
UNDER THE
MARINE MAMMAL PROTECTION ACT
FOR
SCIENTIFIC RESEARCH OR ENHANCEMENT

DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Permits Division, F/PR1
Office of Protected Resources
1315 East-West Highway, Rm. 13705
Silver Spring, Maryland 20910-3226
Tel: (301) 713-2289
Fax: (301) 713-0376

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Introduction

The National Marine Fisheries Service (NMFS) and the Fish and Wildlife Service (FWS) share responsibilities under the Marine Mammal Protection Act of 1972 (MMPA) and the Endangered Species Act of 1973 (ESA) for the management of marine mammals in the United States. NMFS has the responsibility for all cetaceans and pinnipeds (except walrus) under the two acts. NMFS has the sole responsibility under the Fur Seal Act of 1966 (FSA). A full list of the marine mammal species under the jurisdiction of NMFS is included in the supplemental information portion of these instructions. The list shows the status of each animal under the ESA and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Animals for which the Fish and Wildlife Service share responsibility or has sole responsibility are annotated on the list. Under these statutes and implementing regulations, NMFS may issue permits for the taking¹, importing and exporting of marine mammals, including threatened or endangered species, for scientific purposes or to enhance the propagation or survival of such species (50 CFR Parts 216 and 217-222); and the taking, import, or export of marine mammals for purposes of scientific research, public display, enhancing the survival or recovery of a species or stock, or the taking of marine mammals by no more than Level B harassment for photography for commercial or educational purposes (50 CFR Part 216). Permits to take fur seals are issued under the MMPA and the FSA. All cited regulations apply to parts, products and specimens and live animals.

Activities For Which These Instructions Apply

These instructions provide the format for preparing scientific research and/or enhancement permits to take marine mammals, under the appropriate statute(s) and jurisdiction of NMFS. These instructions also may apply to threatened or endangered fish and sea turtles that, in rare instances, may be incidentally affected by a research activity primarily geared toward marine mammals (*e.g.*, acoustic studies). If the proposed research included species under NMFS jurisdiction and species under the jurisdiction of Fish and Wildlife Service, a joint permit from NMFS and FWS must be requested/issued.

Application instructions for marine mammals under NMFS jurisdiction can be obtained by calling the Permit Division of the Office of Protected Resources (301/713-2289) or by accessing the NMFS website: http://www.nmfs.gov/prot_res/prot_res.html. Application instructions for fish and sea

¹ Under the MMPA, the term “take” is defined as: *To harass, hunt, capture or kill, or attempt to harass, hunt, capture, or kill any marine mammal.*

The 1994 Amendments to the MMPA statutorily define the term “harassment” as: *Any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing a disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).*

Under the ESA, the term “take” is defined as: *To harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.*

turtles (in the marine environment) can be obtained through the Endangered Species Division of the Office of Protected Resources (301/713-1401).

Application instructions for sea turtles (on land) and marine mammal species under FWS jurisdiction can be obtained by calling the Office of Management Authority, FWS (1-800-358-2104).

These instructions do not apply to the following types of permits/authorizations:

- ! Public Display under the MMPA;
- ! Commercial/Educational photography under the MMPA;
- ! Scientific purposes under the ESA involving fish;
- ! Scientific purposes under the ESA involving sea turtles;
- ! Scientific research permits under the MMPA for marine mammals only under FWS jurisdiction (sea and marine otters, walrus, manatees, dugongs and polar bears); and
- ! General Authorization for Level B harassment of marine mammals under the MMPA. (See additional information section, below).

Guidelines for Using These Instructions

Give Complete Information:

An application must be complete before the Permits Division, Office of Protected Resources (F/PR1) can be forwarded to reviewers and publish a Notice of Receipt in the Federal Register. Incomplete applications will not be processed; instead, additional information will be requested or the application will be returned. Therefore, please provide complete and specific information. When a question does not apply, do not overlook the section, but indicate Not Applicable (N/A). A brief explanation as to why the category is not applicable will expedite processing.

NMFS tries to process all applications in a timely manner. Nevertheless, processing of a **complete** application usually requires 90 days from submission to final action and includes a 30-day public comment period.

Applicants are urged to submit applications at least 120 days prior to the planned initiation of research.

Applicants Who Currently Hold or Have Previously Been Issued a Permit:

If an applicant currently holds a permit to take marine mammals, or has held a permit in the past, the new application will not be processed until all reports required to date under such permits have been submitted.

Permit Amendments:

Scientific research permits may be amended by the Director, Office of Protected Resources. Requests for amendments to permits should be submitted in writing to the Chief, Permits Division, Office of Protected Resources (F/PR1), and should address all applicable sections of these

instructions, including a detailed description of the proposed changes. Amendment requests involving an increase in number, changes of location or species, or more intrusive activities are subject to a 30-day public review and are granted or denied at the discretion of the Director, Office of Protected Resources. Amendment request must be endorsed and signed by the principal investigator named in the permit. Less intrusive activity or minor changes not involving numbers, species or locations may be authorized at the discretion of the Director without public review.

Permit Fees:

Section 104(g) of the MMPA provides the authority to establish and charge a reasonable permit fee; however, there is no fee at this time.

ADDITIONAL INFORMATION

General Authorizations (GA):

As noted in footnote 1, the 1994 Amendments to the MMPA, two levels of harassment have been defined: *Level A* and *Level B*. For scientific research activities which do not exceed **Level B Harassment** (*i.e.*, photo-id, behavioral study) on **non-ESA listed species**, there is now a General Authorization (GA) for Scientific Research. Interim Final Regulations establishing the GA (50 CFR 216.45) were published in the Federal Register on October 3, 1994 (59 F.R. 50372) and are available on our website (http://www.nmfs.gov/prot_res/prot_res.html). If an applicant is planning to conduct scientific research on marine mammals that will involve only **Level B harassment** (*i.e.*, photo-id, behavioral study), the applicant should refer to the website or contact the Permits Division, Office of Protected Resources for assistance.

IMPORTANT: The GA does NOT apply to marine mammal species designated as endangered or threatened under the ESA. Authorization to take ESA-listed species can only occur pursuant to a scientific research permit authorized under the ESA, even if the proposed activities do not exceed Level B Harassment. In the event that the proposed research involves either (1) ESA listed and non-ESA listed species, and/or (2) both Level A and Level B harassment activities, the scientific research permit requirements take precedence over the GA.

CITES Import/Export Permits:

United States regulations require that imports or exports of wildlife listed on the appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) be accompanied by the proper CITES permit or documentation. This is in addition to the required permits under the ESA and, as applicable, the MMPA. The U.S. agency responsible for implementing CITES is the Office of Management Authority, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Room 430, Arlington, VA 22203 (1-800-358-2104), <http://permits.fws.gov/>. The CITES status of endangered species and marine mammals under NMFS jurisdiction is indicated on the attached species list. Please note that all cetaceans are included on either Appendix I or II.

Animal Welfare Act (AWA):

The U.S. Department of Agriculture's Animal and Plant Health Inspection Service (USDA/APHIS), has responsibility under the AWA for captive warm-blooded animals, including marine mammals, and has established regulations and standards for animal care, including "Specifications for the Humane Handling, Care, Treatment, and Transportation of Marine Mammals (9 CFR Ch 1, Subpart E)." Most U.S. facilities maintaining marine mammals are required to be licensed or registered by APHIS. For information concerning the AWA and its requirements and the name and address of the Veterinarian in Charge in the State concerned, contact the Regulatory Enforcement and Animal Care staff, USDA/APHIS, 4700 River Rd., Unit 87, Riverdale, MD 20734-1234 (301/734-7833) or <http://www.aphis.usda.gov/>.

Beached/Stranded Animals:

NMFS encourages the use of healthy rehabilitated beached/stranded animals in lieu of taking animals from wild populations. Where a captive marine mammal is necessary for the conduct of scientific research, particularly in the case of U.S. coastal pinnipeds, such as California sea lions (*Zalophus californianus*), applicants must justify the need for capturing animals from the wild rather than obtaining them from rehabilitated beached/stranded stock. For information on the availability of these animals contact the appropriate NMFS Regional Office (see attached list).

INSTRUCTIONS

PLEASE READ the INTRODUCTION, the INSTRUCTIONS, the SUPPLEMENTAL INFORMATION, and applicable sections of the ATTACHED PERMIT REGULATIONS BEFORE preparing your application. Reading these sections FIRST will save you time and help you avoid common errors. Please pay particular attention to the attached Permit Regulations as these regulations include both permit issuance criteria and requirements, information that you should find most useful in preparing a complete application.

IMPORTANT

Information should be presented in the following categories. If a section or question does not apply, indicate Not Applicable (N/A) with a brief, but complete, explanation as to why.

I. Title of the Application

Please select a title from below as appropriate. If the application is submitted under more than one Act or for more than one purpose, please select a combination as appropriate --

- A. Application for a Permit for Scientific Research or to enhance the survival or recovery of a stock under the Marine Mammal Protection Act;
- B. Application for a Permit for Scientific Purposes or to enhance the survival or recovery of a stock under the Endangered Species Act;
- C. Application for a Permit for Scientific Research under the Marine Mammal Protection Act and the Fur Seal Act.

II. Date of the Application

III. Applicant

- A. Applicant, PI, CI, Personnel Directly Involved in Taking:
State complete name, address, telephone number, and institutional affiliation, if any, of the Applicant. Also list the Principal Investigator (PI), if other than the Applicant, as well as all Co-Investigators (CI), and any other persons to be directly involved in the taking/capture, import, or export.

NOTE: Please refer to the Glossary of personnel terms.

If the Applicant is an institution, partnership or corporation describe the relationship between this entity and the PI. If the primary contact is other than the PI, please include the name, address, and telephone number.

A fax number and/or internet mail address will help permit processing.

B. Qualifications and Experience:

Provide a curriculum vitae (CV) describing the qualifications and experience of the PI and any CI(s) who will be responsible for the taking. CV's should include a list of publications relevant to the proposed research.

IV. General Description of the Marine Mammals to be Taken and/or Imported and the Proposed Activity

A. Abstract:

Provide an abstract of 200 words or less of the proposed research project, emphasizing the research objectives including the hypothesis(es) to be tested and the manner in which such activity involves the taking, import, or export of marine mammals, or part(s).

B. Summary of Marine Mammals to be Taken, Imported or Exported:

1. **Species Name(s):** List the species (common and scientific names) and, as applicable, the subspecies or population group that may be taken. In the case of a wild capture, list any species that may be incidentally taken during the course of collection activities (*i.e.*, non-target species), including non-marine mammal species such as sea turtles. Use Section IV.C.2. to provide additional required information.
2. **Parts or Specimen Samples:** Where the proposed activity involves marine mammal parts or specimen samples,, list the part(s)/sample(s) that will be taken, imported or exported. Use Sections IV.C.3 and IV.C.4. to provide additional required information.
3. **Status of Affected Stock(s):** For animals in the wild, provide a summary of the best available information concerning the status of the affected species or stock(s) and factors affecting this status (cite sources).

C. Detailed Description of the Proposed Research Activity (In the Wild or In Captivity:

1. **Duration of the Project and Locations of Taking:** The overall duration of the research project including the dates and locations of the proposed taking, import, or export. Dates and locations should be identified as specifically as possible, including ports of entry/export.

NOTE: Permits may be issued for a maximum of 5 years, after which a new permit or amendment must be requested.

2. **Types of Taking Involved and Estimate of Number(s) of Animals that May be Taken:** Provide a description of the activities that will be conducted (e.g., aerial surveys, vessel surveys, photo-identification, tagging, biopsy sampling, capture/maintaining, *ECT.*) and the species and number of animals that may be taken by Level A or Level B harassment during the course of those activities. Clearly indicate the maximum number and species for animals that may be taken, as well as the actual or estimated age (i.e., neonate, pup/calf, juvenile, adult), size, sex, and reproductive condition of the animals at the time of taking, import, or export. State whether the animals will be taken more than once and the frequency of the take; and whether the same animals will be taken in more than one manner, and if so, how.

It is important to account for multiple takes per individual animal. For example, a researcher working with 120 harbor seals may want to flipper tag all 120, bleach mark 70, collect blood samples from 50 and attach satellite tags to 20. It is important to explain how many individuals would have all these procedures vs. how many would only have some of the procedures.

Submit a matrix or table that clarifies species, numbers, takes, activities, age/sex class, and locations.

Include a justification of the proposed sample size(s) for each type of take. For certain activities (e.g., acoustic experiments or non-traditional research) a power analysis showing statistical significance will expedite processing.

3. **Research in the Wild:** Where a take in the wild is involved, a description of the techniques and equipment to be used to approach, capture, restrain, mark, tag, and/or collect tissues and other samples. Indicate as appropriate: (a) the kinds, numbers, and sizes of samples to be taken and the sampling method; (b) the marks, electronic or visual tags, or other attached instruments to be used, including their dimensions, weights, method of application, location of attachment, the expected duration of attachment, and method of release; (c) any drugs or other substances to be used, including the name, dosage, and purpose and method of administration; (d) frequency and period of time each animal may be restrained and the method of restraint; (e) methods of tissue sampling and types of samples to be taken from each animal; and/or (f) in the case where unweaned pinniped pups will be taken, identify measures that will be used to ensure pups are returned to their mothers.

NOTE: This section should clearly describe how the research objectives will be met.

4. **Removing a Marine Mammal from the Wild:** If the proposed activity involves removing a marine mammal from the wild and a captive stock of the species concerned is available, an explanation why suitable animal(s) cannot be obtained from captive stock.
5. **Taking of Marine Mammal Parts or Specimen Samples:** If the activity involves the taking of marine mammal parts, provide a description of the part(s) including the number of coding where such part(s) have been labeled or have otherwise been marked previously; the original source of the part(s) (*e.g.*, beached or stranded animals, captive animals, animals obtained from the wild, imported, or unknown); the location and date of original collection; and the name/identity of the collector.

Provide a description of what arrangements have been made, if any, for their disposition. For example, describe arrangements made with a museum or other institutional collection to ensure that hard and soft tissues of present or potential future interest will remain available for scientific research or enhancement purposes. Please note that NMFS has established a National Marine Mammal Tissue Bank that is a source and repository of material for qualified researchers. For more information contact the Director, Office of Protected Resources (301) 713-2319.

NOTE: Permits cannot be issued for personal collections of marine mammal parts or specimen samples.

6. **Import/Export of Marine Mammals/ Marine Mammal Parts:** If applicable, describe the import/export of marine mammals, or part, including: The country of exportation (*i.e.*, the country from which the marine mammal or marine mammal part is to be imported into the United States) and the country of origin (*i.e.*, the country where the animal was originally taken from the wild) if different from the country of exportation. For exports, provide the destination country.

Provide a description of how the marine mammal(s) or marine mammal part(s) to be imported was taken in the country of origin. State whether the animals were, at the time of taking, either pregnant or lactating, or either unweaned or less than eight months old, whichever occurred later. If so, provide full justification for taking marine mammals under such circumstances. If the marine mammal(s) or marine mammal part(s) was subsequently exported to a country different from the country of origin, cite the date(s), the manner and circumstances under which it was imported into the country of exportation.

If the import is necessary for the protection or welfare of the marine mammals, discuss the circumstances involved and any alternatives considered.

7. **Research on Captive Animals:** In addition to the information requested in Section C.1-6 (above) submit as applicable for captive animals (*i.e.*, animals are to be collected, are already captive, or are beached/stranded animals):
- (a) A detailed description of the manner of capture, including gear to be used;
 - (b) A description of the pen, tank, container, cage, cradle or other device used post-capture and thereafter during transportation to the holding or permanent facility. Describe the mode of transportation, special care during transport, and the length of time required for the transfer from the capture site to initial holding facility and then to the permanent facility;
 - (c) If the source stock is to be beached/stranded marine mammals, indicate the name and location of the rehabilitation facility;
 - (d) If the source stock is from marine mammals already in captivity (other than beached/stranded animals) indicate the name and location of the facility, and identify the specific animals involved in the proposed activity;
 - (e) A copy of any license or registration issued by the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture, any outstanding variances granted by APHIS, and the most recent APHIS inspection report;
 - (f) The comments and recommendations of any relevant Institutional Animal Care and Use Committee established under the Animal Welfare Act (AWA) (7 U.S.C. 2131 et seq.);
 - (g) A written statement from the responsible veterinarian certifying that the facilities, methods of care and maintenance, and methods of transport will be adequate to ensure the well-being of the marine mammals and comply with all applicable care and transport standards established under the AWA;
 - (h) If release of captive marine mammals to the wild is proposed, state the length of time the animals will be held, and describe the protocols for the release addressing mitigation measures for the following concerns:
 - disease transmission between both released animals and the wild population;
 - unwanted genetic exchanges between introduced and endemic stocks;
 - ability of the released animals to forage and protect themselves from predators;
 - and
 - elimination of behavioral patterns acquired during captivity that could prove detrimental to the released animals or the social structure of local populations.

8. **Background and Review of Research:** A description of the background and a review of the current knowledge of the problem under investigation. Indicate relevant literature (with citations) and an explanation of the rationale for the methodology. The description should include the expected nature and significance of research results and how the activities being requested support an overall research plan.
9. **Lethal Take:** If an intentional lethal take is involved, an explanation of why a nonlethal method is not feasible and how the research results will directly benefit the species or stock, or fulfill a critically important research need.

***IMPORTANT:** If unintentional mortality is possible, show the maximum number of animals from each species that may be killed.*

10. **Research on Endangered Species:** If the research involves a species or stock listed as endangered or threatened under the ESA, or designated as depleted under the MMPA, provide an explanation of why the proposed research cannot be conducted using an alternative species or stock. Explain how the expected research results would benefit the species or stock or contribute significantly to fulfilling a critically important research need. For example, explain how the research contributes to the objectives identified in the species recovery or conservation plan.
- D. Describe the Anticipated Effects of the Proposed Activity: Provide a description of the effects of the proposed taking, import or export, including:
1. **Effects on Individual Animals;**
 2. **Effects of Incidental Harassment;**
 3. **Effects on Stocks;**
 4. **Stress, Pain and Suffering:** If the proposed research will or may cause stress, pain, or suffering, explain why there are no feasible alternative methods for obtaining the data or information being sought. Describe any measures to be taken to minimize such adverse effects of the research and to ensure that the taking or other permitted activity will be conducted in a humane manner. If the applicant has consulted with an animal care committee or similar oversight group, include their assessment, advice or recommendations concerning the proposed research;
 5. **Measures to Minimize Disturbance:** Specify what the applicant considers necessary and unnecessary and inappropriate disturbance, what will be done to avoid or minimize disturbance, what criteria will be used to judge when disturbance occurs, and what will be done if evidence of disturbance is observed, *e.g.*, back away if there is any evidence

of avoidance, terminate activities after the first, second, or third incident of altering approach speed or course in response to animals attempting to avoid approach, etc.;

6. **National Environmental Policy Act (NEPA) Considerations:** Under the National Environmental Policy Act (NEPA), NMFS is required to determine if an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) is required, or if the research activity is categorically excluded from the requirement to prepare an EA or EIS. In order for NMFS to make this determination, describe whether:

- a) The research involve new, innovative, controversial or experimental equipment or techniques;
- b) the research techniques are likely to be adopted by other researchers;
- c) the location in which the research will be conducted is of special importance to other marine mammals;
- d) the proposed activities involve unique or unknown risks or whether the likely effects are highly uncertain;
- e) any aspect of the research possibly affect the public health or safety of humans;
- f) the activity may have a significant cumulative effect, considering existing and potential activities;
- g) the activity cause loss or destruction of significant scientific, cultural or historic resources;
- h) there be an adverse effect on endangered or threatened populations or stocks or their habitat;
- i) the activity in violation of a Federal, State or local law for environmental protection.

- E. Publication of Results: Indicate where and, if possible, when the research results are expected to be published or otherwise made available to the public and the scientific community.

- F. Proposal and Previous and Other Permits:

- 1. **Formal Research Proposal:** A copy fo the formal research proposal or contact, if one has been prepared. Please note that activities discussed in the research proposal that require a permit will not be considered unless they have been specifically requested in the application. Applicants who are employed by NOAA should state how the project fits in with NOAA's Strategic Plan, citing the objective and the element.
- 2. **Sponsors and Cooperating Institutions:** If applicable, provide the names and addresses of cooperating institutions and individuals.

3. **Previous Permits:** If issued previous permits for the taking, import, or export of marine mammals and a final report has not yet been submitted, ensure that all required reports to date have been submitted.
4. **Other Permits:** Indicate whether other Federal and State permits (*e.g.*, Fish and Wildlife Service, NOAA Marine Sanctuaries, the Army Corps of Engineers) are being sought in connection with the requested research. Please note that research in the coastal zone surrounding various states including Alabama, Hawaii, Washington; and Guam and the Commonwealth of the Northern Marianas, must meet the criteria for Coastal Zone Consistency before a permit can be issued. These jurisdictions have up to six months to make a determination of consistency. It is the applicant's responsibility to seek this determination. Please state in the application if such a determination has been sought and when a decision is expected.

**V. Special Considerations for Applicants Working Abroad
(for Exports of Parts/Samples or Live Animals from the U.S.)**

Foreign applicants requesting the export of marine mammals, or marine mammal parts/products from the United States, must submit their applications to NMFS through the appropriate agency of the foreign government (*e.g.*, the CITES management authority). The appropriate agency of the foreign government must certify the accuracy of the information submitted in the application.

Additionally, if the application is for the export from the United States of **living animals** subject to the MMPA, ESA or FSA, then the appropriate agency of the foreign government must certify that:

- (A) the laws and regulations of the government involved allow the enforcement of requirements equivalent to the requirements of the ESA, MMPA, FSA, and AWA, as applicable, and that government will enforce such requirements; and
- (B) the government involved will afford comity to an NMFS enforcement decision that may be made if it is determined by NMFS that the foreign entity/facility involved has acted in a manner inconsistent with a requirement of U.S. law that would be applicable if the foreign entity/facility were a U.S. entity/facility.

VI. Certification and Signature:

The following Certification, followed by the Signature, Name and Title of the Applicant or responsible party, must be submitted as the concluding section of the application.

"I hereby certify that the foregoing information is complete, true, and correct to the best of my knowledge and belief. I understand that this information is submitted for the purpose of obtaining a permit under one or more of the following statutes and the regulations promulgated thereunder, as indicated in section I. of this application:

The Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) and regulations (50 CFR Part 216); and/or

The Fur Seal Act of 1966 (16 U.S.C. 1151 et seq.).

I also understand that any false statement may subject me to the criminal penalties of 18 U.S.C. 1001, or to penalties provided under the Marine Mammal Protection Act of 1972, or the Fur Seal Act of 1966, whichever are applicable."

! Signature of Applicant and Date of Signature

! Typed or Printed Name of Applicant

! Title of Applicant

Submit an original and two signed copies of the completed application to:

Chief, Permits Division, F/PR1
Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway, Room 13705
Silver Spring, Maryland 20910-3226

WHERE TO SEND APPLICATIONS

Public Reporting Burden

Public reporting burden for this collection of information is estimated to average 29 hours per response, including the time for reviewing instructions, search existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to the Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver spring, MD 20910. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless the collection of information displays a currently valid Office of Management and Budget (OMB) Control Number.

Glossary of Terms

Applicant/ Permit Holder - Person, institution or agency who is ultimately responsible for all activities of any individual who is operating under the authority of the permit.

Principal Investigator (PI) - The individual primarily responsible for the taking, importation, export, and any related activities conducted under the permit issued for scientific research or enhancement.

Co-investigators (CI) - The on-site representative of the PI. Conducts, or directly supervises the conduct of the taking, import, and export activities authorized under a Permit.

Research Assistants - Individuals who work under the direct supervision of the **Researchers**, and who are authorized to record data and serve as safety observers and boat tenders.

APPLICATION INSTRUCTIONS
AND SUPPLEMENTAL INFORMATION
FOR
PERMITS
UNDER THE
MARINE MAMMAL PROTECTION ACT
FOR
PUBLIC DISPLAY

DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Office of Protected Resources
Permits Division, F/PR1
1335 East-West Highway
Silver Spring, Maryland 20910-3226
(301) 713-2289

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FEDERAL REGISTER Notice
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NMFS Regional Offices
Privacy Act Statement

INTRODUCTION

The National Marine Fisheries Service (NMFS) has the responsibility for oceanic species under the Endangered Species Act of 1973 (ESA), the Marine Mammal Protection Act of 1972 (MMPA), and the Fur Seal Act of 1966 (FSA). Under these statutes and implementing regulations, NMFS may issue permits for the taking, importing and exporting of threatened or endangered species for scientific purposes or to enhance the propagation or survival of such species (50 CFR Parts 217-222); and the taking, import, or export of marine mammals for purposes of scientific research, public display, enhancing the survival or recovery of a species or stock, or the taking of marine mammals by no more than Level B harassment for photography for commercial or educational purposes (50 CFR Part 216). These regulations apply to parts, products and specimens as well as live animals. A list of the species under the jurisdiction of NMFS for which permits may be issued is available in a supplemental package. This list indicates the status of each animal under the Endangered Species Act and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

Guide To Applicants

Give Complete Information: NMFS tries to process all applications in a timely manner. However, an application must be complete before it will be forwarded to reviewers and before a Notice of Receipt is published in the Federal Register. Incomplete applications will not be processed; instead, additional information will be requested or the application will be returned. Therefore, please provide complete and specific information. When a question does not apply, do not overlook the section, but indicate Not Applicable (N/A). In some cases, a brief explanation as to why the category is not applicable will expedite processing.

Please note that the processing of a **complete** application usually requires 90 days from submission to final action and includes a 30-day public comment period.

Applicants Who Have Previously Been Issued a Permit:

If an applicant is or has been a permit holder, the new application will not be processed until all reports required to date under such permits have been submitted.

Permit Amendments:

Requests for amendments to permits should address all applicable sections of these instructions, including a detailed description of the proposed changes. Amendment requests involving an increase in number, changes of location or species, or more intrusive activities are subject to a 30-day public review and are granted or denied at the discretion of the Director, Office of Protected Resources. Amendment requests must be endorsed and signed by the principal investigator named in the permit. Less intrusive activity or minor changes not involving numbers, species or locations may be authorized at the discretion of the Director without public review.

Permit Fees:

Section 104(g) of the MMPA provides the authority to establish and charge a reasonable permit fee; however, there is no fee at this time.

INSTRUCTIONS

PLEASE READ the INTRODUCTION, the INSTRUCTIONS, the SUPPLEMENTAL INFORMATION, and applicable sections of the ATTACHED PERMIT REGULATIONS BEFORE preparing your application. Reading these sections FIRST will save you time and help you avoid common errors. Please pay particular attention to the attached Permit Regulations as these regulations include both permit issuance criteria and requirements, information that you should find most useful in preparing a complete application.

IMPORTANT

Information should be presented in the following categories. If a section or question does not apply, indicate Not Applicable (N/A) with a brief, but complete, explanation as to why.

I. Title of the Application.

Please select one of the titles below as appropriate. If the application is submitted under more than one Act or for more than one purpose, please select one of the titles below as appropriate --

- A. Application for a Permit for Public Display under the Marine Mammal Protection Act;
- B. Application for a Permit for Public Display under the Marine Mammal Protection Act and the Fur Seal Act¹.

II. Date of the Application.

III. Applicant and Principal Personnel.

State complete name, address, telephone number, and institutional affiliation, if any, of the Applicant and any other persons to be directly involved in the taking or import, and subsequent holding. If the Applicant is a partnership or corporation describe the business relationship.

IV. General Description of the Marine Mammals to be Taken and/or Imported and the Proposed Activity.

- A. Provide a description of the marine mammals to be taken or imported and subsequently held, including:
 - 1. The species (common and scientific names) and, as applicable, the subspecies or population group and number of each to be taken or imported;
 - 2. The actual or estimated age, size, sex, and reproductive condition of the animals at the time of take or import;

¹ – Please review the information concerning Northern fur seals provided in Supplementary Information.

3. Where the proposed activity involves, or may involve or affect, the take of marine mammals in the wild, a summary of the best available information concerning the status of the affected species or stock(s) and factors known to be affecting this status (cite sources).
- B. Describe the proposed activity, including:
1. The dates and locations of the proposed taking or import. Dates and locations should be identified as specifically as possible; including ports of entry.
 2. The proposed duration of the permit.
 3. The type(s) of taking involved, (e.g. harassment, capture/maintain, tag/release, etc.). Clearly indicate if any marine mammal will be taken more than once or in more than one manner. The applicant should identify the maximum number of individual animals that may be taken in a given manner, the number of times each may be subject to such a take, and the number that are to be taken in more than one manner;
- C. If marine mammals are to be collected from the wild:
1. The names and qualifications of the personnel who will capture the animals; import;
 2. A detailed description of the manner of capture, including gear to be used;
 3. The techniques and equipment to be used to approach, capture and restrain, For example, indicate: (a) any drugs or other substances to be used, including the name, dosage, and method of administration; and/or (b) frequency and period of time each animal may be restrained or otherwise taken, and the method of restraint or taking.
 4. A written certification from the attending veterinarian responsible for the animals during and immediately after capture that the methods of capture and post-capture care will be adequate to ensure the well-being of the animals;
 5. A description of the pen, tank, container, cage, cradle or other device used post-capture and thereafter during transportation to the initial holding facility; and
 6. A description of the mode of transportation, special care during transport, and the length of time required for the transfer from the capture site to the initial holding facility.

7. Any alternatives to the proposed manner of taking or importation, and state why the proposed method is considered humane.
 8. In addition, if the proposed activity involves removing a marine mammal from the wild and a captive stock of the species concerned is available, the applicant must explain why the animal(s) cannot be obtained from such captive stock.
- D. Describe the effects of the proposed activity, including:
- The effects of the proposed taking or import, by itself or in combination with other known or suspected taking, import, or export on: (a) the individual animals concerned, (b) the relevant species or stock, (c) the human environment, and (d) the marine ecosystem. The description must be sufficiently detailed to enable the preparation of any documentation required under the National Environmental Protection Act (e.g., an environmental assessment (EA), impact statement (EIS), or documentation to support a determination that the conduct of the activity is categorically excluded from the requirement to prepare an EA or EIS).
- E. If issued previous permits for the taking, import, or export of marine mammals and a final report has not yet been submitted, provide a brief update to the last annual report submitted.

V. Import

If the application involves the import of marine mammals², the following information is required.

- A. If not already provided in Section III, the names and qualifications of the personnel who will accompany the animals during import.
- B. A description of the pen, tank, container, cage, cradle or other device used during import, and thereafter during transportation to the initial holding facility;
- C. A description of the mode of transportation, special care during transport, and the length of time required for the transfer from the foreign facility to the initial holding facility in the United States; and
- D. A written certification from the attending veterinarian responsible for the animals during import that the methods of import and post-import care, will be adequate to ensure the well-being of the animals.
- E. The country of exportation (i.e., the country from which the marine mammal is to be imported into the United States) and the country of origin (country from which the animal was originally taken from the wild) if different from the country of exportation. For exports, provide the destination country.
- F. A description of how the marine mammal(s) were taken in the country of origin. State whether the marine mammals were, at the time of taking, either pregnant or lactating, or either unweaned or less than eight months old, whichever occurred later and provide a full justification for requiring marine mammals taken under these circumstances. If the marine mammal was subsequently exported to a country different from the country of origin, cite the date(s), the manner and circumstances under which it was imported into the country of exportation.

² – A permit is not required for the **EXPORT** of marine mammals for public display purposes. However, such exports must meet standards comparable to those applicable to the transport of marine mammals between U.S. facilities. Foreign applicants that intend only to export from the U.S. marine mammals held for purposes of public display should contact NMFS for guidance regarding the requirements for such exports.

A statement and, to the extent practicable, documentation concerning whether the marine mammal to exportation.

A statement whether taking of marine mammals will occur in order to replace the marine mammals mammals.

If the import is necessary for the protection or welfare of the marine mammals, discuss the

VI.

A. be maintained. Indicate hours of operation and cost of admission. (Attach copies of facility

B. Department of Agriculture's Animal Plant and Health Inspection Service (APHIS).

Specify the professionally recognized standards of the public display₃ community upon which the description of the program offered for reference purposes.

Certification and Signature:

party, must be submitted as the concluding section of the application.

knowledge and belief. I understand that this information is submitted for the purpose of thereunder, as indicated in section I. of this application:

Part 216); and/or

I also understand that any false statement may subject me to the criminal penalties of 18 U.S.C. Seal Act of 1966, whichever are applicable."

³ Standards for education and conservation programs developed and endorsed by the American Aquariums (Alliance), representing approximately 60% of the U.S. marine mammal public (A copy of this notice is attached) If applicable, these AZA/Alliance standards may be referenced note that while these professionally recognized standards have been provided by the AZA and standards of the public display community may differ from this example. If your education or display community, please provide a copy of these standards. NMFS maintains a record of these

! Signature of Applicant and Date of Signature

! Typed or Printed Name of Applicant

! Title of Applicant

to:

Director, Office of Protected Resources

1315 East-West Highway, Room 13130
Silver Spring, Maryland 20910-3226

WHERE TO SEND APPLICATIONS

All permit documentation including the application, permit and amendments, reports, and inventory information required herein, is considered public information and as such, is subject to the Freedom of Information Act (FOIA). All responses to the collection of information are required to obtain a permit.

Public Reporting Burden

Public reporting burden for this collection of information is estimated to average 29 hours per response to complete this application form, including the time for reviewing instructions, search existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding these burden estimates or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless the collection of information displays a currently valid Office of Management and Budget (OMB) Control Number.

SUPPLEMENTAL INFORMATION

[Public display]

CITES Import/Export Permits:

United States regulations require that imports or exports of wildlife listed on the appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) be accompanied by the proper CITES permit or documentation. This is in addition to the required permits under the ESA and, as applicable, the MMPA. The U.S. agency responsible for implementing CITES is the Office of Management Authority, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Room 430, Arlington, VA 22203 (1-800-358-2104). The CITES status of endangered species and marine mammals under NMFS jurisdiction is indicated on the attached species list. Please note that all cetaceans are included on either Appendix I or II.

Animal Welfare Act (AWA):

The U.S. Department of Agriculture's Animal and Plant Health Inspection Service (USDA/APHIS), has responsibility under the AWA for captive warm-blooded animals, including marine mammals, and has established regulations and standards for animal care, including "Specifications for the Humane Handling, Care, Treatment, and Transportation of Marine Mammals (9 CFR Ch 1, Subpart E)." Most U.S. facilities maintaining marine mammals are required to be licensed or registered by APHIS. For information concerning the AWA and its requirements, and the name and address of the Veterinarian in Charge in the state concerned, contact the Regulatory Enforcement and Animal Care staff, USDA/APHIS, 4700 River Rd., Unit 87, Riverdale, MD 20734-1234 (301/734-7833).

Beached/Stranded Animals:

NMFS encourages the use of healthy rehabilitated beached/stranded animals in lieu of taking animals from wild populations. Applicants must justify the need for capturing animals from the wild rather than obtaining them from rehabilitated beached/stranded stock, particularly in the case of U.S. coastal pinnipeds, such as California sea lions (*Zalophus californianus*). For information on the availability of these animals contact the appropriate NMFS Regional Office (see attached list).

Northern fur seals (*Callorhinus ursinus*):

The Northern fur seal has been designated as depleted by the National Marine Fisheries Service (NMFS). Section 102(b)(3) of the Marine Mammal Protection Act (MMPA) prohibits the taking of a depleted species except for scientific research.

Atlantic bottlenose dolphin (*Tursiops truncatus*):

The taking of bottlenose dolphins in the Eastern United States is limited to certain areas, and quotas have been established limiting the number which may be taken each year. Permit Holders are required to consult with the Southeast Regional Director at least one week prior to collection for approval of the specific dates and locations. The Regional Director will coordinate the Permit Holder's collection activities with other collections and with research activities being conducted in the proposed collection area so as to avoid possible interference and cumulative adverse impacts on the subject population.

MARINE MAMMAL DATA SHEET

Date _____

OMB No. 0648-0084, exp

SHT# _____

HN: _____ SN: _____

For NMFS Use Only

I. Holder-Specific:

Holder: _____

Facility: _____

Person or other Entity With Custody of the Marine Mammal

Name of Facility (if different from Holder)

Date assumed custody: ____ - ____ - ____

Date arrived at Facility: ____ - ____ - ____

City/State/Zip (include Country for foreign facilities): _____

Location of Facility

Animal Identification No. _____

Animal Name: _____

(assigned by holder)

(assigned by holder)

Captive Purpose(s): ☐ Public display ☐ Scientific research ☐ Enhancement**II. Animal-Specific:**Species: _____ Sex: ☐ Male ☐ Female ☐ Unknown

Common Name - Scientific Name

Population Name: _____

NOAA Identification No. _____ (☐ check here if unknown or not yet assigned)

Date of birth: ____ - ____ - ____

☐ Actual☐ EstimatedCaptive Origin (check only one): ☐ Captive born ☐ Wild capture ☐ Beach/stranded ☐ Unknown

Date of original captivity: ____ - ____ - ____ (ATTACH documentation if before December 21, 1972.)

III. Source: Indicate how and from whom custody of this animal was obtained, including change in facility.☐ Captive birth☐ Transfer/ Name of Previous Holder: _____

Transport Name of Previous Facility: _____

☐ Import Permit No. ____ or ☐ For medical treatment otherwise unavailable (16 U.S.C. 1379(h)(2))☐ Beach/Stranded (Please see notes)☐ Wild Capture Permit No. _____ Collector: _____

Location: _____ / _____

Latitude/Longitude

Geographical Name

IV. Disposition: The date and reason this animal left your custody or changed facility.☐ Transfer/ Date: ____ - ____ - ____ Recipient: _____

Transport

Facility: _____

☐ Death Date: ____ - ____ - ____Cause: ☐ Premature/still birth ☐ Euthanasia ☐ OtherIf "Euthanasia," indicate reason: ☐ life-threatening condition involving pain/suffering or ☐ other

If "Other Cause," describe briefly: _____

☐ Release Date: ____ - ____ - ____ Permit No. _____ or ☐ Unauthorized release/escape

(reintroduction)

Location: _____

Geographic Location

Tag number or description of other identifying markings

MARINE MAMMAL DATA SHEET

NOTES:

The Marine Mammal Protection Act of 1972, as amended (MMPA) (16 U.S.C. 1361 et seq.) requires that persons holding marine mammals submit certain information to the National Marine Fisheries Service (NMFS). The MMPA requires that NMFS maintain an inventory of all marine mammals held for public display purposes under the authority of the MMPA (i.e., all marine mammals held captive except for those in captivity before December 21, 1972). In addition, the MMPA requires that NMFS be given 15 days' advance notification before the transport of any marine mammal. To ensure compliance with these and related MMPA requirements, NMFS recommends that persons holding marine mammals captive for purposes of public display, scientific research, or enhancing the survival or recovery of species or stocks, use this *Marine Mammal Data Sheet* to submit captive marine mammal information to NMFS. Use of this form will ensure that MMPA-required information is submitted in a consistent manner and that the NMFS inventory of captive marine mammals is accurate and up-to-date. This information collection is considered mandatory under the MMPA.

Marine Mammal Data Sheets should be used when submitting information to NMFS in compliance with MMPA requirements applicable to persons holding marine mammals, including notifications of any additions/changes to your marine mammal inventory due to:

- Birth, Death, or Transport/Transfer (Notification required)
- Retention or transfer of Rehabilitated Beached and Stranded stock (Authorization or Permit required)
- Wild Capture, Import, Reintroduction to the wild, including release or escape (Permit required)
- Other (Corrections, etc.)

The animal-specific information in Section II will not change, whereas the marine mammal-related data in Sections I, III and/or IV will change with changes in custody or facility/location. In accordance with MMPA requirements, NMFS requests notification of any change in custody or facility/location, including captive births and deaths. A copy of the Marine Mammal Inventory-Summary (MMIRS) for each holder (i.e., person or other entity with custody of one or more marine mammals) will be provided periodically for verification and may be requested at any time by writing to the Permits Division at the address listed below.

All permit documentation including reports and the inventory information required herein, is considered public information and as such, subject to the Freedom of Information Act (FOIA).

Marine Mammal Transport Notifications

NMFS recommends that:

1. Shippers complete Section I-III of the Marine Mammal Data Sheet for each marine mammal being transported.
2. These *Marine Mammal Data Sheets* should be attached to the *Marine Mammal Transport Notification* and forwarded first to the Receiver and then to NMFS. The *Marine Mammal Transport Notification* must be received by NMFS at least 15 days prior to the actual transport date. (See note below regarding beached and stranded marine mammals.)
3. At any time within 30 days after transport, the Receiver should forward to NMFS an updated *Marine Mammal Data Sheet* for each marine mammal actually transported (i.e., Section I and, if necessary, Section III updated to verify receipt).

Beached and Stranded Marine Mammals - Retention or Transport

The retention or transport/retention of rehabilitated beached and stranded marine mammals requires a permit or written authorization under the MMPA. A permit is required to retain or obtain such marine mammals for purposes of scientific research or enhancing the survival or recovery of species or stocks, or to retain or obtain such marine mammals for public display purposes where such animals have been determined releasable. Where such marine mammals have been determined non-releasable, NMFS authorization is required to retain or obtain them for public display purposes. Please contact the Permits Division at the number or address below for information on submitting such a permit application or authorization request.

QUESTIONS?

If you need assistance in completing a Marine Mammal Data Sheet, please contact the Permits Division at (301) 713-2289 or write to us at:

**Permits Division - F/PR1
Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway, Rm. 13705
Silver Spring, MD 20910-3282**

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, search existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information to complete this form. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless the collection of information displays a currently valid Office of Management and Budget (OMB) Control Number.

MARINE MAMMAL TRANSPORT NOTIFICATION

OMB No. 0648-0084

Expires / /

I. GENERAL

Transport notifications must be RECEIVED at least 15 days before the date of transport. Only the marine mammals identified on the Marine Mammal Data Sheets ATTACHED to this notice may be transported. A new Marine Mammal Transport Notification should be submitted if transport does not occur within 60 days of the date the notice is received by the National Marine Fisheries Service (NMFS). Within 30 days following the transport the Receiver should submit updated Marine Mammal Data Sheets for the marine mammals transported.

Sections II through V must be completed for the transport of marine mammals for purposes of public display. Transport of marine mammals for public display purposes requires notification only; however, to ensure this right is invoked in accordance with the requirements of the Marine Mammal Protection Act of 1972 (MMPA), as amended (16 U.S.C. 1361 et seq.), Shipper and Receiver must certify the Receiver's compliance with the three public display criteria in Section IV. See attached NOTES¹ concerning the transport of marine mammals associated with imports, exports, captures from the wild, transport between foreign facilities, and obtaining or retaining marine mammals from rehabilitated beached and stranded stock for which a determination has been made that their return to their natural habitat is not feasible.

Sections II, III and IV must be completed for the transport of marine mammals for purposes of scientific research or enhancing the survival or recovery of a species or stock (enhancement). Persons intending to obtain marine mammals for scientific or enhancement purposes must first be issued a permit under section 104(c) of the MMPA.

II. SHIPPER

On ____/____/____ (planned transport date²), ____ (Number) animals identified on ATTACHED Marine Mammal Data Sheets

and presently held by _____ at _____
Shipper³ Name of Facility (if different than Shipper)⁵

will be transported to _____ at _____
Receiver⁶ Name of Facility (if different than Receiver)

Please check here if this is a temporary transfer/transport **G**

III. RECEIVER

_____ is receiving custody of the marine mammal(s) identified on the ATTACHED Marine Mammal Data Sheets and these marine mammals will be held for the purpose of (Check all that apply):

G Public Display (**Complete Section IV**)

G Scientific Research (Permit Required) - Permit No. _____

G Enhancement (Permit Required) - Permit No. _____

IV. TRANSPORT FOR PURPOSES OF PUBLIC DISPLAY

The Receiver listed in Section III (**Check at least one box for each item below**):

- 1) Offers an education or conservation program that is based on professionally recognized standards of the public display community⁶.

The standards on which the receiving person/facility's education/conservation program is based are:

G AZA standards⁶, **G** Alliance standards⁶, or **G** ATTACHED;

- 2) Is registered or holds an exhibitors license issued under the Animal Welfare Act (7 U.S.C. 2131 et seq.)
[If receiver is a foreign facility, check this box **G** and see attached Export requirements.]

USDA License/Registration Number _____ A copy of the USDA License/Registration is:

G ATTACHED⁷, or **G** has been submitted previously and has not changed; and

- 3) Maintains (i.e., owns, leases or otherwise controls) facilities for the public display of marine mammals that are open to the public on a regularly scheduled basis with access that is not limited or restricted other than by charging an admission fee. A description of the schedule during which the facility is open to the public (e.g., a public notice or brochure advertising this information) is:

G ATTACHED⁷, or **G** has been submitted with a previous Marine Mammal Transport Notification

MARINE MAMMAL TRANSPORT NOTIFICATIONOMB No. 0648-0084
Expires / /**V. CERTIFICATION**

I hereby certify that this notice and any attached supplemental information is complete, true and correct to the best of my knowledge and belief. I understand that this information is submitted in compliance with the Marine Mammal Protection Act of 1972 (MMPA) (16 U.S.C. 1361 et seq.), and regulations (50 CFR Part 216), and that any false statement may subject me to the criminal penalties of 18 U.S.C. 1001 or to penalties provided under the MMPA of 1972, as amended.

SHIPPER:**RECEIVER:**_____
Signature of Responsible Person⁸_____
Signature of Responsible Person⁸_____
Name of Responsible Person⁸_____
Name of Responsible Person⁸_____
Title⁸_____
Title⁸_____
Facility Name/Company_____
Facility Name/Company_____
Street Address_____
Street Address_____
Mailing Address, if different_____
Mailing Address, if different_____
City/State/Zip Code_____
City/State/Zip Code_____
Phone Number_____
Phone Number_____
FAX Number (optional)_____
FAX Number (optional)_____
Email Address (optional)_____
Email Address (optional)_____
Primary Contact (if other than Responsible Person) Primary Contact (if other than Responsible Person)**VI. PLEASE SUBMIT THIS NOTIFICATION, MARINE MAMMAL DATA SHEETS AND SUPPLEMENTAL INFORMATION BY RETURN/RECEIPT MAIL TO:**

Permits Division - F/PR1
Marine Mammal Inventory
Office of Protected Resources
National Marine Fisheries Service
1315 East West Highway, #13706
Silver Spring, MD 20910

OR

By Facsimile to (301) 713-0376

PLEASE NOTE: NOTIFICATIONS must be **received** at least 15 days before the date of transport. A Marine Mammal Data Sheet for each animal involved must be attached also.

Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, search existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information to complete this form. Send comments regarding this burden estimate or any other aspect of this collection of information including suggestions for reducing this burden, to the Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless the collection of information displays a currently valid Office of Management and Budget (OMB) Control Number.

MARINE MAMMAL TRANSPORT NOTIFICATION

NOTES

1. The Marine Mammal Protection Act of 1972, as amended (MMPA) (16 U.S.C. 1361 et seq.) requires that the National Marine Fisheries Service (NMFS) be given 15 days advance notification before the transport of most marine mammals (cetaceans and pinnipeds, except for walrus), and that the U.S. Fish and Wildlife Service (FWS) be given 15 days advance notification of any walrus, polar bear, manatee, dugong, marine otter or sea otter. This information collection is considered mandatory under the MMPA. To ensure compliance with MMPA requirements, NMFS recommends persons transporting marine mammals submit this notification in the attached format (i.e., Marine Mammal Transport Notification). The NMFS receipt date is the start date of the required 15 days notification. NMFS will accept a transport notification by facsimile ONLY IF: (a) the facsimile transmitted is complete, signed and in the attached format; and (b) the original is forwarded to NMFS by express mail and received within three working days. If the marine mammals are listed as endangered or threatened under the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531 et seq.) or subject to the Convention on International Trade in Endangered Species (CITES), permit and other requirements of the ESA and CITES must be met.

Persons exporting marine mammals must comply with the EXPORT requirements described on the back of this page. Permits are required for the IMPORTATION of marine mammals, for their CAPTURE from the wild, or for the RETENTION of rehabilitated beached and stranded marine mammals that have been determined releasable (i.e., in lieu of the release and recapture of such marine mammals under a capture permit, a permit must be issued for their retention.) Permits are also required to obtain marine mammals for scientific research or enhancement purposes from captive stock, whether by transfer from another person/facility or by retention of non-releasable rehabilitated beached and stranded stock. NMFS written authorization (not a permit) is required to retain or obtain for public display purposes rehabilitated beached and stranded stock determined non-releasable (i.e., this required authorization is in addition to the 15 days advance notification required for any transport.) Requests for authorization to obtain or retain such marine mammals must be submitted to NMFS after the determination is made that release to the wild is not feasible and at least 15 days before their transport or use for public display purposes; and at least 60 days before their proposed export. (See the reference to beached and stranded marine mammals on the back of the Marine Mammal Data Sheet.)

All permit documentation including reports and the information required herein, is considered public information and as such, subject to the Freedom of Information Act (FOIA).

2. This is a planned or target date ONLY. Where a specific target date cannot be identified, a period of up to seven days may be identified instead (e.g., 1/4 - 1/18). Actual transport may occur on a different date but may not occur until at least 15 days following NMFS receipt of the transport notification.
3. "Shipper" means a person (i.e., any individual or public or private entity) with permanent custody of the marine mammal to be transferred/transported. All marine mammal transports between facilities/location require notification regardless of whether such facilities are owned, operated or otherwise controlled by the same or different persons, or whether the transfer/transport is temporary or permanent.
4. "Receiver" means a person (i.e., any individual or public or private entity) that is receiving the marine mammals to be transferred/transported. Receivers who obtain marine mammals for public display purposes must meet the three requirements of Section IV, including maintaining (i.e., owning, leasing or otherwise controlling) facilities at the receiving location for the public display of marine mammals.
5. The name of the shipper/receiver need not be the same as the facility. The shipper/receiver may be a person or corporate entity that owns/operates several facilities; or the shipper/receiver may hold marine mammals in multiple facilities. In any case, and particularly in circumstances where the name of the shipper/receiver is different from the facility, NMFS requests that the facility be identified.
6. Standards for education and conservation programs developed and endorsed by the American Association of Zoos and Aquariums (AZA) and the Alliance of Marine Mammal Parks and Aquariums (Alliance), representing approximately 60% of the U.S. marine mammal public display community, were published in the *Federal Register* on October 6, 1994 (59 FR 50900). Please call the Permits Division at the number below or write to the address listed in Section VI if you would like a copy of this notice. If applicable, the AZA/Alliance standards may be referenced as the standards on which your education or conservation program is based by simply checking the applicable "box." However, please note that while these professionally recognized standards have been provided by the AZA and Alliance, they represent only two examples of such standards. Other professionally recognized standards of the public display community may differ from these examples. If your education or conservation program is based upon different professionally recognized standards of the public display community, please provide a copy of those standards. NMFS maintains a record of such standards for reference purposes only.
7. Please attach this documentation only if the standards or restriction on public access have changed or if your Exhibitor's License has changed or been renewed since your last submission of this information.
8. Principal Officer, Director, President or other person with responsibility for and authority to determine the disposition of the marine mammals involved.

QUESTIONS?

If you need assistance in completing a Marine Mammal Transport Notification, please contact the Permits Division at the address listed in Section VI or call us at (301) 713-2289.

EXPORTS

Foreign persons/facilities receiving custody of marine mammals by EXPORT from the United States must meet standards that are comparable to those applicable to persons transporting and receiving custody of marine mammals in the United States for purposes of public display, scientific research or enhancement. This means, for example, that export for scientific research or enhancement purposes requires issuance of a permit under the Marine Mammal Protection Act (MMPA) (16 U.S.C. 1361 et seq.). However, marine mammals may be exported for public display purposes without an MMPA permit if either: the marine mammals to be exported are being held for public display purposes and Shipper and Receiver submit a Marine Mammal Transport Notification and comply with the export-specific requirements listed below; OR the marine mammals to be exported are being held for scientific research or enhancement purposes, or are non-releasable marine mammals from rehabilitated beached and stranded stock, and NMFS authorizes the export of such marine mammals after Shipper and Receiver comply with the export-specific requirements listed below. In the latter case, i.e., where marine mammals to be exported are being held for a purpose other than public display, NMFS may determine that a 30-day opportunity for public comment is necessary and, therefore, authorization must be requested at least 60 days in advance of such a proposed export.

Please note that the notification required for the export of marine mammals presently being held for public display must be accompanied or preceded by documentation meeting transport and export requirements, including a letter from the U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) stating that the foreign facility concerned meets standards comparable to those applicable to U.S. licensees and registrants under the Animal Welfare Act (7 U.S.C. 2131 et seq.). Similarly, NMFS must receive an APHIS comparability determination before authorizing the export of marine mammals presently being held for purposes other than public display; i.e., marine mammals being held for scientific research or enhancement purposes or non-releasable marine mammals from rehabilitated beached and stranded stock. To make this MMPA-required comparable standards determination, the foreign Receiver must submit sufficient documentation at APHIS on which to base such a determination, or be inspected by an APHIS inspector or other person designated by APHIS at the expense of the importer or exporter. When documentation is submitted, the foreign government involved must certify its accuracy. Please contact Animal Care, APHIS, Riverdale, MD 20737 (301/734-7833) for guidance concerning documentation or inspection options.

Subsequent transport of exported marine mammals, or their progeny, between foreign holders of such marine mammals must adhere to the above requirements. Foreign transport notifications must be submitted to NMFS through the appropriate agency of the foreign government (e.g., the Convention on International Trade in Endangered Species (CITES) management authority). A Marine Mammal Transport Notification must be submitted at least 15 days before the transport of exported marine mammals between facilities located in the same country. Before exported marine mammals are transported/exported to another foreign country, the Shipper and Receiver must submit a Marine Mammal Transport Notification AND the government of the foreign Receiver must submit the certification statements listed below. Although an MMPA permit may not be required for public display exports, any person exported or importing protected species, including marine mammals, must comply with other applicable U.S. law and may need to obtain a CITES permit. Information concerning CITES permit requirements is available from the Office of Management Authority, U.S. Fish and Wildlife Service, U.S. Department of the Interior, 4401 North Fairfax Drive, Room 420, Arlington, VA 22203 (703-358-2104).

In summary, to export marine mammals for purposes of public display -

The foreign Receiver must:

- (1) Offer an education or conservation program comparable to one that is based on professionally recognized standards of the U.S. public display community;
- (2) Meet standards comparable to the requirements that a person in the United States must meet to be registered or be issued a license under the Animal Welfare Act (7 U.S.C. 2131 et seq.); and
- (3) Maintain facilities for the public display of marine mammals that are open to the public on a regularly scheduled basis with access that is not limited or restricted other than by charging an admission fee.

AND

The appropriate agency of the foreign government (e.g., the Convention on International Trade in Endangered Species (CITES) management authority of the government) must submit a statement certifying that:

- (1) The information submitted concerning the foreign facility is accurate;
- (2) The laws and regulations of the government involved permit that government's enforcement of requirements equivalent to the requirements of the U.S. Marine Mammal Protection Act (MMPA) and Animal Welfare Act (AWA), and that government will enforce such requirements; and
- (3) If it is determined that the foreign facility involved has acted in a manner inconsistent with a requirement of the Marine Mammal Protection Act or the Animal Welfare Act that would be applicable if the foreign facility were a U.S. facility, the government concerned will afford comity to an enforcement decision that may be made by NMFS, including seizure or arrangements for other disposition of marine mammals exported from the United States and the progeny of such marine mammals and the recovery of expenses for such seizure or other disposition.

All three certification statements are required by NMFS to ensure compliance with MMPA requirements. APHIS requires only that the accuracy of the information be certified as a prerequisite for making a comparability determination.

PERSON/HOLDER/FACILITY SHEET INSTRUCTIONS

The Marine Mammal Protection Act of 1972, as amended (MMPA) (16 U.S.C. 1361 et seq.) requires that persons holding marine mammals submit certain information to the National Marine Fisheries Service (NMFS). The MMPA requires that NMFS maintain an inventory of all marine mammals held for public display purposes and scientific research under the authority of the MMPA (i.e., all marine mammals held captive except for those in captivity before December 21, 1972). In order to maintain that inventory, contact information for permit holders, facilities, and responsible individuals is required by the NMFS. In addition to receiving information about marine mammal inventories NMFS also provides periodic updates back to the holders and facilities so that the inventories can be verified. Use of this form will ensure that MMPA-required information is submitted in a consistent manner, that the NMFS inventory of captive marine mammals is accurate and up-to-date, and that holders and facilities can verify their inventories on a regular basis.

1. Please read all of the instructions before filling out this form. It is a computer generated form and will contain basic contact information for the facility and holder when complete.
2. If you are receiving this form for the first time, or if it is being sent to you for updating, please fill out the appropriate blank sections (I, II, and/or III) in red.
3. The **Responsible Official** is the individual who is responsible for and who has the signatory authority for marine mammal custody decisions. The **Primary Contact** is the registrar or other person responsible for maintaining the marine mammal inventory records at the facility. The **Responsible Official** and the **Primary Contact** can be the same person, but should be noted in both Sections II and III. Please mail the this form to the address listed below.
4. All documentation required for this information collection is considered public information and as such, subject to the Freedom of Information Act (FOIA). No assurance of confidentiality is provided.

QUESTIONS? If you need assistance completing this form please contact the Permits Division at (301-713-2289) or write to us at:

**Permits Division - F/PR1
Office of Protected Resources
National Marine Fisheries Service
1315 East West Highway, #13706
Silver Spring, MD 20910**

**Or by facsimile
at (301) 713-0376**

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, search existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information to complete this form. Send comments regarding this burden estimate or any other aspect of this collection of information including suggestions for reducing this burden, to the Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless the collection of information displays a currently valid Office of Management and Budget (OMB) Control Number.